Twin Falls City Council
Agenda

Monday, June 17, 2019, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

Members: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Gregory Lanting, Christopher Reid, Ruth Pierce

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

2) PLEDGE OF ALLEGIANCE

3) PROCLAMATIONS: None

4) GENERAL PUBLIC INPUT

5) CONSENT CALENDAR

   a) **ACTION ITEM:** Request to approve the June 10, 2019, City Council Minutes.
   By: Amy Luna, Finance Administrative Assistant

   b) **ACTION ITEM:** Request to approve the Accounts Payable for June 6-12, 2019.
   By: Amy Luna, Finance Administrative Assistant

   c) **ACTION ITEM:** Request to approve the Kids' Entrepreneur Day.
   By: Sergeant Justin Dimond, Twin Falls Police Department

   d) **ACTION ITEM:** Request to approve the Splash n Flick.
   By: Sergeant Justin Dimond, Twin Falls Police Department

   e) **ACTION ITEM:** Request to approve the annual Fourth of July Fireworks Celebration.
   By: Sergeant Justin Dimond, Twin Falls Police Department

   f) **ACTION ITEM:** Request to approve the Twin Falls Old Town Criterium.
   By: Sergeant Justin Dimond, Twin Falls Police Department

   g) **ACTION ITEM:** Request to approve a Trust Agreement for Addison Springs Subdivision, a ZDA, placing Lots 2, 3, 4, & 5, Block 1 in trust.
   By: Troy Vitek, Assistant City Engineer

6) ITEMS OF CONSIDERATION

   a) **PRESENTATION:** Presentation of Certificate of Appreciation and Recognition of Service to Debbie Lattin, Nancy Taylor & Lucy Wills, Historic Preservation Commission.
   By: Lisa Strickland, City Planner

b) **ACTION ITEM:** Request to reappoint Samra Culum, Doug Baughman, and Allen Easterling and appoint Jonas Reagan, Monica McCue, and Jennifer Shaffer to the Historic Preservation Commission.

By: Brock Cherry, City Planner

c) **ACTION ITEM:** Request to approve the revised industrial surcharge program. This approval allows staff to continue to implement the industrial surcharge program in the most effective manner possible.

By: Jason Brown, Environmental Engineer

d) **ACTION ITEM:** Request to change the street name from Carriage Lane to Carriage Lane North, as platted in Addison Springs Subdivision, a ZDA.

By: Troy Vitek, Assistant City Engineer

e) **ACTION ITEM:** 2019 Canyon Springs Grade Roadway Project Update and request to authorize staff to negotiate directly with a general contractor on the open market.

By: Troy Vitek, Assistant City Engineer

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

a) **ACTION ITEM:** Request for Annexation with a current zoning designation of M-2 for property located at 305 Hankins Road South on behalf of Maria P. Silva. (PZ19-0029)

By: Steve O'Connor, City Planner

b) **ACTION ITEM:** Request for a Special Use Permit to allow professional and medical offices at prolperty located at 1502 Locust St. N, Bldg. 600 in the Eastpark Professional Subdivision No. c/o EHM Engineers, Inc. on behalf of Temple View Properties, LLC. (PZ19-0049)

By: Brock Cherry, City Planner

c) **ACTION ITEM:** Request for a Special Use Permit to allow professional and medical offices at property located at 1502 Locust St. N., Bldg. 400 in the Eastpark Professional Subdivision No. 2 c/o EHM Engineers, Inc. on behalf of Temple View Properties, LLC (PZ19-0050)

By: Brock Cherry, City Planner

9) ADJOURNMENT

a) Executive Session § 74-206(1): (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Leila Sanchez (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
    - Wait to be recognized by the Mayor or Chairman
    - Approach the microphone/podium
    - State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
3. A City Staff Report shall summarize the application and history of the request.
4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
    - A complete explanation and description of the request.
    - Why the request is being made.
    - Location of the Property.
    - Impacts on the surrounding properties and efforts to mitigate those impacts.
5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
    - Individuals are not permitted to give their time to other speakers.
    - However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
    - Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.
8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.

* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.

Twin Falls City Council
Minutes

Monday, June 10, 2019, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Vice Mayor Nikki Boyd, Council Member Suzanne Hawkins, Greg Lanting, Christopher Reid & Ruth Pierce.

Absent: Mayor Shawn Barigar, Council Member Chris Talkington.

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Brian Pike, City Attorney Shayne Nope, Police Captain Matt Hicks, City Engineer Jackie Fields, Staff Engineers Erin Steel & Josh Baird, P&Z Director Jonathan Spendlove, City Planner Steve O'Connor, Public Information Officer Josh Palmer, Help Desk Tech Kim Hafer, Finance Administrative Assistant Amy Luna.

Vice Mayor Boyd called the meeting to order at 5:00 PMAM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

Vice Mayor Boyd invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATIONS: None

4) GENERAL PUBLIC INPUT

John Kapeleris invited all to come out to the Senior Center Fun Run this Saturday June 15, 2019 at 9:00 am.

5) CONSENT CALENDAR

MOTION: **Council Member Reid** moved to approve the Consent Calendar as presented. **Council Member Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

a) **ACTION ITEM:** Request to approve the May 28, 2019, City Council Minutes.

b) **ACTION ITEM**: Request to approve the June 03, 2019, City Council Minutes.

c) **ACTION ITEM:** Request to approve the Accounts Payable for May 30 thru June 5, 2019.

d) **ACTION ITEM:** Request to hold the Magic Valley Refugee Day on June 21, 2019.

e) **ACTION ITEM:** Request to approve a Final Plat for The Falls at the Preserve c/o Gerald Martens on behalf of Connie Storrer. App. PZ19-0054

f) **ACTION ITEM:** Request to hold the Twin Falls City Parks and Recreation Summer Solstice Youth Tri.

g) **ACTION ITEM:** Request to approve Findings of Fact and Conclusions of Law for the Final Plat for The Springs at the Preserve c/o EHM Engineers on behalf on Gary Storrer. (PZ19-0053).

6) ITEMS OF CONSIDERATION

a) **PRESENTATION:** Recognition of Erin Steel for attaining his Professional Engineer (PE) license.
City Engineer Fields made a moving presentation recognizing Erin Steel for attaining his Professional Engineer (PE) license.

Vice Mayor Boyd congratulated Erin Steel on his accomplishment.

City Mayor Rothweiler spoke about City Engineer Fields retirement and celebration of her 14 years of service, which will be held on Tuesday, June 18, 2019.

b) **ACTION ITEM:** Request to award the 2019 Mill & Inlay Project to Staker Parson Companies, Inc. dba Idaho Materials & Construction of Twin Falls, Idaho, in the amount of $1,467,274.42.
Staff Engineer Baird made a request to award the 2019 Mill & Inlay Project to Staker Parson Companies, Inc. dba Idaho Materials & Construction of Twin Falls, Idaho, in the amount of $1,467,274.42.

Discussion ensued on the following:
Council Member Lanting: Asked about if Staker Parson Companies, Inc. was a known company to the City.

MOTION: Council Member Hawkins moved to approve the request to award the 2019 Mill & Inlay Project to Staker Parson Companies, Inc. dba Idaho Materials & Construction of Twin Falls, Idaho, in the amount of $1,467,274.42. **Council Member Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

c) **ACTION ITEM:** Request to award the 2019 Chip Seal Project to Emery, Inc. in the amount of $439,533.45.
City Engineer Fields made a request to award the 2019 Chip Seal Project to Emery, Inc. in the amount of $439,533.45.

MOTION: Council Member Pierce moved to approve the request to award the 2019 Chip Seal Project to Emery, Inc. in the amount of $439,533.45 and allow the Mayor to sign the Contract. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

d) **ACTION ITEM:** Request to award the 2019 Slurry Seal Project to Kloepfer, Inc., in the amount of $261,781.80.
City Engineer Fields made a request to award the 2019 slurry seal project to Kloepfer, Inc. in the amount of $261,781.80.

Discussion ensued on the following:
Vice Mayor Boyd: Is this the extent of the chip sealing and slurry seal in zone 7?

MOTION: Council Member Reid moved to approve the request to award the 2019 Slurry Seal Project to Kloepfer, Inc. in the amount of $261,781.80 and authorize the Mayor to sign the contract. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

City Engineer Field spoke about her career with the City of Twin Falls.
Council Member Lanting: Thanked Jackie Fields for her service to the City.
Vice Mayor Boyd: Thanked Jackie Fields for her service to the City and that she has enjoyed working with her.
Council Member Hawkins: Spoke about working with Mrs. Field.

Council Member Hawkins: Spoke about the 2018-2019 Youth Council year ending and that a group of 6 youth will be attending the AIC Youth Track.

8) PUBLIC HEARINGS: None

9) ADJOURNMENT

The meeting adjourned at 05:33 PM

_____

Amy Luna, Administrative Assistant Finance

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Sergeant Justin Dimond, Twin Falls Police Department

ACTION ITEM

Request:

ACTION ITEM: Request to approve the Kids' Entrepreneur Day.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

Nicole Nelson has submitted a Special Event Application requesting to hold the Kids' Entrepreneur Day at the Twin Falls City Park. This event is scheduled to take place on Saturday, June 29, 2019, from 10:00 a.m. to 1:00 p.m.

The Kids' Entrepreneur Day is described as an event very similar to a farmer's market. However, instead of adults manning booths and selling merchandise, kids five (5) to sixteen (16) years of age will be in charge. The goal of this event is to teach children creativity while also teaching them responsibility and basic business concepts. This event is aimed at inspiring future entrepreneurs to make a difference in their communities.

This event is open to the general public. Food and merchandise will be available for purchase from the many child-run booths that will be set up.

Organizers have submitted an acceptable trash plan, and they will be responsible for cleanup of any areas impacted by this event.

The required certificate of liability insurance, with the City of Twin Falls as the certificate holder, is required and has been secured by the organizers.

Approval Process:

Consent of the Council

Budget Impact:

There is no budget impact.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Twin Falls Police Department Staff and several relevant City Staff members have approved this application request. Staff recommends that the City Council approve the Special Event Application based on the information provided.

Attachments:

None

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Sergeant Justin Dimond, Twin Falls Police Department

ACTION ITEM

Request:

ACTION ITEM: Request to approve the Splash n Flick.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

John Pauley, on behalf of the Twin Falls City Pool, has submitted a Special Event Application requesting to hold the annual Splash n Flick. This event is scheduled to take place at the Twin Falls City Pool on Saturday evenings starting on June 29, 2019, and running through August 3, 2019. The weekly movies will run from 8:30 p.m. to midnight. These events will be staffed by City Pool employees.

The Splash n Flick is a family-friendly, weekly summer event which features the opportunity to swim in the City Pool while watching a movie.

These events have generally been attended by approximately 350 to 400 people. There will be amplified sound in the form of speakers broadcasting the movie.

There will be no alcohol allowed or dispensed at this event.

Approval Process:

Consent of the Council

Budget Impact:

There is no budget impact for this event.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Twin Falls Police Department Staff and several relevant City Staff members have approved this application request. Staff recommends that the City Council approve the Special Event Application based on the information provided.

Attachments:

None

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Sergeant Justin Dimond, Twin Falls Police Department

ACTION ITEM

Request:

ACTION ITEM: Request to approve the Twin Falls Old Town Criterium.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

Bob Seastrom of Cycle Therapy has submitted a Special Event Application requesting to hold the annual Twin Falls Old Town Criterium. The criterium bicycle races are scheduled to take place in the downtown area on Saturday, June 29, 2019. The event is scheduled to run from 10:00 a.m. to 7:00 p.m. The event will also have a concert in the Downtown Commons from 7:30 p.m. to 10:00 p.m. Setup for the event will begin at 2:00 p.m. on Friday, June 28, 2019.

The event organizers have requested the closure and exclusive use of numerous city streets. This includes Main Avenue from Eden Street West to Jerome Street East, Hansen Street East from Main Avenue East to 2nd Avenue East, 2nd Avenue East from Hansen Street East to Eden Street North, and Eden Street North from Main Avenue West to 2nd Avenue West.

These street closures will create a circuit that begins on Main Avenue near the Downtown Commons. Participants will travel southeast on Main Avenue, northeast on Hansen Street, northwest on 2nd Avenue East/North, southwest on Fairfield Street, and southeast again on Main Avenue.

There will be approximately seven individual races of varied lengths sanctioned by USA Cycling, Inc. These races are spaced approximately 15 to 20 minutes apart with each race taking 30 to 60 minutes. This will be a closed cycling course with crossings on the course supervised by volunteers at approximately every block. Barricades will be in place both on the inside and outside of the course to keep pedestrian traffic from interfering with the racers.

The event organizers have contracted with Road Work Ahead for road closures and detours. This traffic plan has been approved by the Twin Falls Police Department and the Idaho Transportation Department for closure of state highways included in the race course.

There will be a beer garden with Milner's Gate catering the service of alcohol in the Downtown Commons.

There will be amplified music and sound during the races. Additionally, there will be a live band in the Downtown Commons following the races. This live music will begin at approximately 7:30 p.m. The event organizers have arranged for additional trash receptacles and portable toilets for the event.

The Twin Falls Police Department will provide security during the races, as well as for the concert that follows. It is anticipated that adequate security staffing will require approximately $2,835.00 in overtime costs. This amount was not included in the Police overtime budget for the current year.

Approval Process:

Consent of the Council

Budget Impact:

There will be a $2,835.00 cost to the City for Police services to host this event.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Twin Falls Police Department Staff and several relevant City Staff members have approved this application request. Staff recommends that the City Council approve the Special Event Application based on the information provided.

Attachments:

None

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to approve a Trust Agreement for Addison Springs Subdivision, a ZDA, placing Lots 2, 3, 4, & 5, Block 1 in trust.

Time Estimate:

N/A

Background:

Addison Springs Subdivision, a ZDA, is located northeast of the intersection of Addison Avenue East and Carriage Lane North. The developer is requesting to place the aforementioned lots in trust in lieu of constructing the improvements or providing a financial guarantee.

Approval Process:

N/A

Budget Impact:

None

Regulatory Impact:

Approval of this request will allow the applicant to proceed to develop the property.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council accept the Trust Agreement and authorize the Mayor to sign.

Attachments:

1. Release & Reconvey Letter
2. Trust Agreement
3. Addison Springs - Aerial Image
4. Final Plat

TO:
TITLEFACT, INC., Trustee
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

June 5, 2019

You are hereby authorized to release and reconvey Lots 2, 3, 4, & 5, Block 1, ADDISON SPRINGS SUBDIVISION, Twin Falls County, Idaho, according to the official plat thereof recorded in Book 26 of Plats, page 24, records of Twin Falls County, Idaho, from the Trust Agreement by and between Robert C. Grabowski and Barbara G. Grabowski, Trustees of the Robert C.and Barbara G. Grabowski Family Trust, as to an undivided 50% interest and Thad Farnham and Anette Farnham, husband and wife, as to an undivided 50% interest, Trustor; TitleFact, Inc., Trustee; AND the City of Twin Falls, Idaho, Beneficiary, dated April 1, 2019, recorded April 3, 2019, as Instrument No. 2019-004598, records of Twin Falls County, Idaho.
Please execute and deliver to the person or persons designated by Trustor, a fiduciary deed conveying good and marketable title to the Property described above.

Very truly yours,

TRUSTORS:
ROBERT C. AND BARBARA G. GRABOWSKI FAMILY TRUST

BY: Robert C. Grabowski
Robert C. Grabowski, Trustee

BY: Barbara G. Grabowski
Barbara G. Grabowski, Trustee

BY: _____
Thad Farnham

BY: _____
Anette Farnham

BENEFICIARY:
CITY OF TWIN FALLS, IDAHO

BY: _____

TRUST AGREEMENT

This Trust Agreement (the "Agreement") is made and entered into this 7th day of June, 2019, by and between **SPRING CREEK STORAGE, LLC., an Idaho Limited Liability Company,** (hereinafter "Trustor"); ***TITLEFACT, INC.***, (hereinafter "Trustee"); and the **CITY OF TWIN FALLS, IDAHO** (hereinafter "Beneficiary"), and is made with respect to the following facts and objectives:

WITNESSETH:

WHEREAS, Trustor is the owner of the real property described below (the "Property"); and

WHEREAS, it is the desire and intent of Trustor to arrange, by and through this Agreement, for the orderly development and sale of the Property, in a manner that is conducive to achieving full compliance with applicable rules and regulations of Twin Falls County, Idaho, and the City of Twin Falls, Idaho, in effect on the date of approval of the subdivision of the property.

NOW THEREFORE, it is agreed between the parties hereto as follows:

1. That upon the execution of this Agreement by both parties, the Trustor agrees to execute and deliver to the Trustee a Warranty Deed, conveying to the Trustee, in Trust, to be held solely for the benefit of the Beneficiary, the Property, to-wit:

   Lots 2, 3, 4, and 5, Block 1, **ADDISON SPRINGS SUBDIVISION, a ZDA,** Twin Falls County, Idaho, according to the official plat thereof recorded in Book 26 of Plats, page 24, records of Twin Falls County, Idaho.

2. The Trustor and the Trustee agree that the Trustee shall hold said title to the Property in trust, solely for the benefit of the Beneficiary under the terms hereof, and that title to the Property shall be and remain good and marketable and free from any defects, liens, conditions or encumbrances of any kind or nature, other than those appearing of record in the office of the Twin Falls County Recorder, and conditions of the Phase Control Development Notice for Lots 2, 3, 4, and 5, Block 1, **ADDISON SPRINGS SUBDIVISION, a ZDA,** a copy of which is attached hereto as Exhibit "A," or those which are placed on the Property with the prior written consent of the Trustee. The Trustee shall not convey, transfer or encumber all or any interest in the Property, save and except to the extent as directed by the Trustor by written instrument delivered to the Trustee.

3. It is understood and agreed that the purpose of this Agreement is to provide Trustor with a convenient means of, subdividing, developing and selling the Property. It shall be the entire responsibility of the Trustor to effect such developing, subdividing and selling of the Property and to provide whatever subdivision plat it may desire and to pay all costs and expenses of said developing, subdividing and selling, and Trustee shall have no liability for any costs or expenses therefor or for any claim, damage, loss or liability sustained to the Property or Trustor or to any other person or persons in connection with said matter, save and except to the extent caused by Trustee's failure or refusal to comply with the terms and conditions of this Agreement.

4. The Trustor may, as it desires from time to time, sell all or any portion of the Property in its sole and complete discretion. The Trustee agrees that, when it is so instructed in writing by Trustor, Trustee shall execute and deliver to the person or persons designated by Trustor, a fiduciary deed conveying good and marketable title to the Property or any part thereof as designated, and at said time the Trustor agrees to pay to Trustee any reasonable costs and expenses incurred by the Trustee hereunder and to pay the normal and customary fee for the cost of an owner's title insurance policy to be issued by *TITLEFACT, INC.*

5. It is agreed that Trustee shall not be liable or responsible for the condition of title to the Property, except as may be provided in any title insurance policy issued by the Trustee, and Trustee shall have no liability concerning possession or survey or any taxes, costs or expenses in connection with the Property, other than as herein provided.

6. It is agreed that the term of this Agreement shall expire when all of the above described Lots have been conveyed by the Trustee pursuant to Trustor's written instructions.

7. It is agreed that this Trust Agreement may not be revoked or amended without the prior written approval of the Beneficiary. If Trustee is presented with written notice of Termination by both Trustor and Beneficiary, and Trustee receives Trustor's payment of all reasonable out-of-pocket costs and expenses incurred by Trustee in connection with this Agreement, if any, the Trustee shall immediately reconvey to Trustor the remaining part of the Property; and thereafter no party hereto shall have any further liability to the others in connection with the Property or under the terms of this Agreement.

8. Trustor agrees to indemnify and save harmless Trustee from any claims, demands, judgments, costs and expenses including reasonable attorney's fees and any other obligation or liability of any kind or nature that the Trustee may for any reason suffer, incur or expend by reason of this Trust Agreement or in the administration thereof, other than for or as a result of Trustee's misconduct, breach of this Agreement, or willful neglect.

9. This Agreement shall bind the parties hereto, their heirs, representatives, successors and assigns.

Date: 6/7/19

TRUSTORS:
SPRING CREEK STORAGE, LLC., an Idaho Limited Liability Company
By: JD SPRING CREEK RANCH, LLC., a Wyoming Limited Liability Company, Member

BY: _____
Robert K. Davis, Managing Member

Date: June 10, 2019

TRUSTEE:
TITLEFACT, INC.

BY: _____
Richard B. Stivers, Chairman of the Board

Date: _____

BENEFICIARY:
CITY OF TWIN FALLS, IDAHO

BY: _____

SPRING CREEK STORAGE, LLC., an Idaho Limited Liability Company
By: JD SPRING CREEK RANCH, LLC., a Wyoming Limited Liability Company, Member

BY: _____
Robert K. Davis, Managing Member

* * * * *

STATE OF IDAHO
County of ~~Twin Falls~~ Blaine

On this 7th day of June, 2019, before me, a Notary Public in and for said State, personally appeared **Robert K. Davis,** known or identified to me to be a managing member of the limited liability company of **SPRING CREEK STORAGE, LLC.,** and the managing member of JD SPRING CREEK RANCH, LLC who subscribed said limited liability company name to the foregoing instrument and acknowledged to me that he executed the same in said limited liability company name.

IN WITNESS HEREOF I have hereunto set my hand and official seal the day and year first above written.

_____
Notary Public for Idaho
Residing in Ketchum, Id.
Commission expires 7.26.2023

KATHY SEAL
COMMISSION NO. 11803
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/26/23

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 10th day of June, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared **RICHARD B. STIVERS**, known or identified to me to be the President of the said corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written

_____
Notary Public for Idaho
Residing at: RESIDING AT: TWIN FALLS, IDAHO
My Commission expires: COMMISSION EXPIRES: 11/01/2022

TASHA SCHURGER
NOTARY PUBLIC
Comm No. 56992
STATE OF IDAHO

* * * * *

STATE OF IDAHO
County of Twin Falls

On this _____ day of_____, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared_____, known or identified to me to be the _____ for the City of Twin Falls, Idaho, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same on behalf of the City of Twin Falls, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

_____
Notary Public for Idaho
Residing at:
My Commission expires:

"EXHIBIT A"

PHASE CONTROL DEVELOPMENT NOTICE

THIS NOTICE prohibits the conveyance of undeveloped Lots 2, 3, 4, and 5, Block 1, **ADDISON SPRINGS SUBDIVISION a ZDA,** until such time as an Improvement Agreement for Developments between the City of Twin Falls and the Developer is recorded designating the lots and blocks in each phase which are approved for conveyance.

TITLEFACT, INC., will hold the deed to all undeveloped lots in Escrow with instructions to convey only those lots covered by the recorded Improvement Agreement for Developments.

The real property subject to this notice is Lots 2, 3, 4, and 5, Block 1, **ADDISON SPRINGS SUBDIVISION a ZDA,** as platted in the records of Twin Falls County, Idaho.

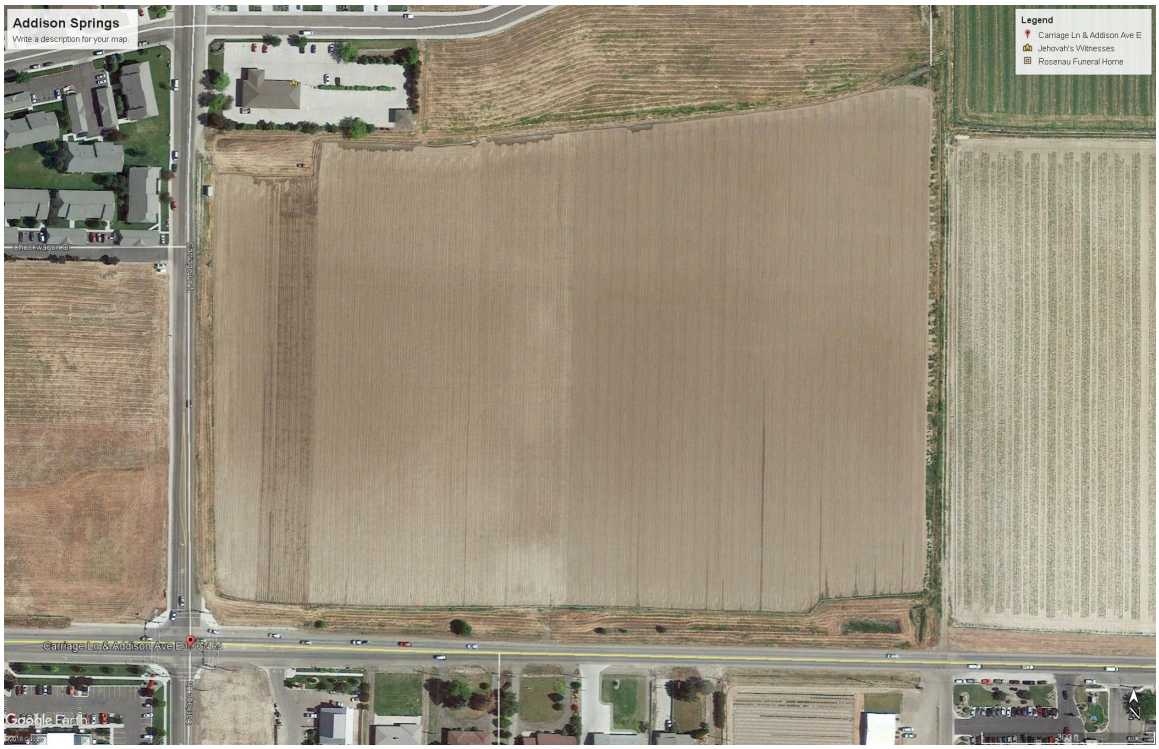
Dated this 7th day of June, 2019.

SPRING CREEK STORAGE, LLC., an Idaho Limited Liability Company
By: JD SPRING CREEK RANCH, LLC., a Wyoming Limited Liability Company, Member

BY: _____
Robert K. Davis, Managing Member

TITLEFACT, INC.

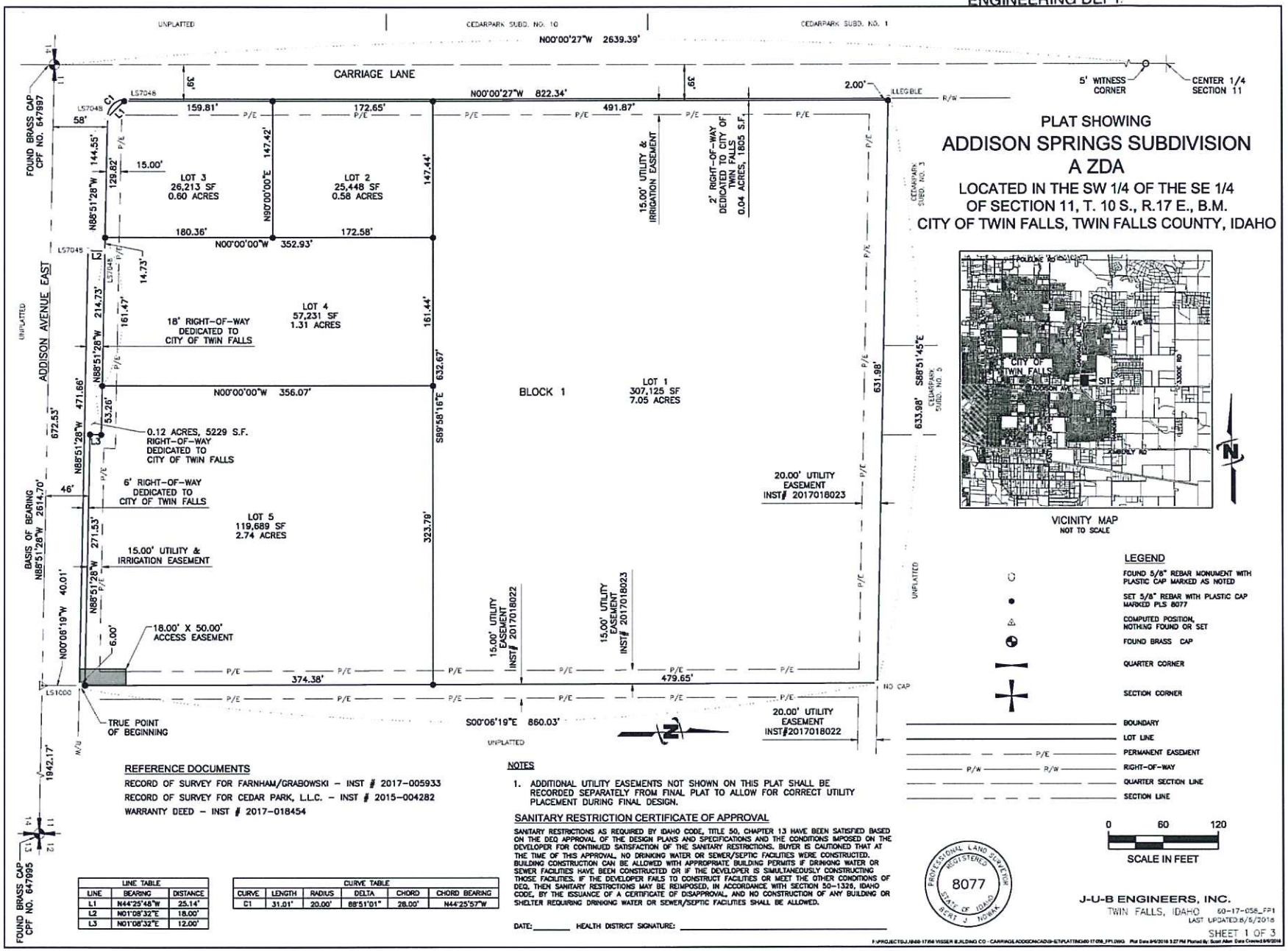
BY: _____
Richard B. Stivers, Chairman of the Board


Addison Springs
Write a description for your map.
Legend
Carriage Ln & Addison Ave E
Jehovah's Witnesses
Rosenau Funeral Home
Carriage Ln & Addison Ave E
Google Earth

RECEIVED

AUG 07 2018

CITY OF TWIN FALLS
ENGINEERING DEPT.



PLAT SHOWING
ADDISON SPRINGS SUBDIVISION
A ZDA

LOCATED IN THE SW 1/4 OF THE SE 1/4
OF SECTION 11, T. 10 S., R.17 E., B.M.
CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO

VICINITY MAP
NOT TO SCALE

LEGEND

- FOUND 5/8" REBAR MONUMENT WITH PLASTIC CAP MARKED AS NOTED
- SET 5/8" REBAR WITH PLASTIC CAP MARKED PLS 8077
- COMPUTED POSITION, NOTHING FOUND OR SET
- FOUND BRASS CAP
- QUARTER CORNER
- SECTION CORNER
- BOUNDARY
- LOT LINE
- PERMANENT EASEMENT
- RIGHT-OF-WAY
- QUARTER SECTION LINE
- SECTION LINE

0 60 120
SCALE IN FEET

REFERENCE DOCUMENTS

RECORD OF SURVEY FOR FARNHAM/GRABOWSKI – INST # 2017-005933
RECORD OF SURVEY FOR CEDAR PARK, L.L.C. – INST # 2015-004282
WARRANTY DEED – INST # 2017-018454

NOTES

1. ADDITIONAL UTILITY EASEMENTS NOT SHOWN ON THIS PLAT SHALL BE RECORDED SEPARATELY FROM FINAL PLAT TO ALLOW FOR CORRECT UTILITY PLACEMENT DURING FINAL DESIGN.

SANITARY RESTRICTION CERTIFICATE OF APPROVAL

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED BASED ON THE DEQ APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

DATE:_____ HEALTH DISTRICT SIGNATURE: _____

PROFESSIONAL LAND SURVEYOR REGISTERED 8077 STATE OF IDAHO BERT J. NOWAK

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N44°25'48"W	25.14'
L2	N01°08'32"E	18.00'
L3	N01°08'32"E	12.00'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	31.01'	20.00'	88°51'01"	28.00'	N44°25'57"W

J-U-B ENGINEERS, INC.
TWIN FALLS, IDAHO 60-17-058_FP1
LAST UPDATED:8/5/2016

SHEET 1 OF 3

F:\PROJECTS\JJB60-17\56 VISSER BUILDING CO - CARRIAGE ADDISON\CAD\B-ETA\PLAT\INCH\60-17-058_FP1.DWG Plot Date:8/6/2018 3:27 PM Plotted By: Scott Allen Date Created:8/6/2018

CERTIFICATE OF OWNER

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED ARE THE OWNERS OR REPRESENTATIVES OF THE OWNERS, IN FEE SIMPLE, OF THE REAL PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WITHIN A PORTION OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ¼ CORNER OF SECTION 11, BEING A BRASS CAP, PROCEED SOUTH 88°51'28" EAST, 672.53 FEET, ALONG THE SOUTHERLY BOUNDARY OF SAID SECTION 11, THENCE NORTH 0°6'19" WEST, 40.01 FEET, TO THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD (ADDISON AVENUE), MARKED BY A ⅝" REBAR BY E.H.M., BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 88°51'28" WEST, 471.66 FEET, ALONG THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD TO A ⅝" REBAR BY PLS 7048;

THENCE NORTH 01°08'32" EAST, 18.00 FEET, ALONG THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD TO A ⅝" REBAR BY PLS 7048;

THENCE NORTH 88°51'28" WEST, 144.55 FEET, ALONG THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD TO A ⅝" REBAR BY PLS 7048

THENCE 31.01 FEET, ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 20.00 FEET, A DELTA OF 88°51'01", A TANGENT OF 19.60 FEET, AND A CHORD LENGTH OF 28.00 FEET THAT BEARS NORTH 44°25'57" WEST TO A ⅝" REBAR BY PLS 7048

THENCE NORTH 00°00'27" WEST, 822.34 FEET, ALONG THE EASTERLY RIGHT OF WAY OF CARRIAGE LANE, TO A ⅝" REBAR WITH AN ILLEGIBLE CAP;

THENCE SOUTH 88°51'45" EAST, 633.98 FEET, ALONG THE NORTHERLY BOUNDARY OF THE FARNHAM/GRABOWSKI PARCEL TO A ⅝" REBAR WITH NO CAP

THENCE SOUTH 00°08'19" EAST, 860.03 FEET, TO THE TRUE POINT OF BEGINNING, CONTAINING 12.46 ACRES MORE OR LESS.

BASIS OF BEARINGS IS SOUTH 88°51'28" EAST BETWEEN SOUTH ¼ CORNER OF SECTION 11 AND THE SOUTHEAST CORNER OF SAID SECTION 11, BEING THE SAME BASIS OF BEARING AS CEDAR PARK SUBDIVISION NO. 1.

IT IS THE INTENTION OF THE UNDERSIGNED TO, AND THEY DO, HEREBY INCLUDE SAID LAND IN THIS PLAT. THAT THE UNDERSIGNED BY THESE PRESENTS DEDICATE TO THE PUBLIC USE FOREVER THE ROAD RIGHTS OF WAY AS SHOWN ON THIS PLAT. THE EASEMENTS INDICATED ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES DESIGNATED ON THIS PLAT. NO STRUCTURE OTHER THAN FOR SUCH UTILITY AND OTHER DESIGNATED PUBLIC USES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS.

PURSUANT TO IDAHO CODE 50-1334, I, THE UNDERSIGNED, AS OWNER, DO HEREBY STATE THAT THE LOTS ON THIS PLAT ARE ELIGIBLE TO RECEIVE DOMESTIC WATER SERVICE FROM THE CITY OF TWIN FALLS MUNICIPAL WATER SYSTEM.

PURSUANT TO IDAHO CODE 31-3805, I, THE UNDERSIGNED, AS OWNER, DO HEREBY STATE THAT THE IRRIGATION WATER RIGHTS APPURTENANT AND THE ASSESSMENT OBLIGATION OF THE LANDS IN THIS PLAT HAVE BEEN TRANSFERRED FROM SAID LANDS. THE LOTS WITHIN THE SUBDIVISION WILL NOT BE ENTITLED TO ANY IRRIGATION WATER RIGHTS AND WILL NOT BE OBLIGATED FOR ASSESSMENTS FROM ANY IRRIGATION DISTRICT AND/OR CANAL COMPANY.

IN WITNESS WHEREOF, I HAVE SET MY HAND THIS _____ DAY OF _____ 201__

_____
THAD FARNHAM

_____
ANETTE FARNHAM

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS _____ DAY OF _____, 201__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED THAD FARNHAM AND ANETTE FARNHAM AND ACKNOWLEDGED TO ME THEY EXECUTED THE ABOVE CERTIFICATE OF OWNER.

_____
NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES_____RESIDING AT TWIN FALLS, IDAHO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ADDISON SPRINGS SUBDIVISION A ZDA WERE RECORDED AS INSTRUMENT NO. _____ IN THE MISCELLANEOUS RECORDS OF TWIN FALLS COUNTY, IDAHO ON THE ____ DAY OF _____, 201__.

_____
ROBERT C. GRABOWSKI

_____
BARBARA GRABOWSKI

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS _____ DAY OF _____, 201__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ROBERT C. GRABOWSKI AND BARBARA GRABOWSKI AND ACKNOWLEDGED TO ME THEY EXECUTED THE ABOVE CERTIFICATE OF OWNER.

_____
NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES_____RESIDING AT TWIN FALLS, IDAHO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ADDISON SPRINGS SUBDIVISION A ZDA WERE RECORDED AS INSTRUMENT NO. _____ IN THE MISCELLANEOUS RECORDS OF TWIN FALLS COUNTY, IDAHO ON THE ____ DAY OF _____, 201__.

ADDISON SPRINGS SUBDIVISION A ZDA

J-U-B ENGINEERS, INC.
TWIN FALLS, IDAHO 60-17-058_FP2
LAST UPDATED:8/6/2018

CERTIFICATE OF SURVEYOR

I, BERT J. NOWAK, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT ADDISON SPRINGS SUBDIVISION A ZDA AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

PROFESSIONAL LAND SURVEYOR REGISTERED 8077 STATE OF IDAHO BERT J. NOWAK

BERT J. NOWAK

CERTIFICATE OF COUNTY SURVEYOR

I, _____, A LICENSED PROFESSIONAL LAND SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, DO HEREBY STATE THAT I HAVE CHECKED THE PLAT OF ADDISON SPRINGS SUBDIVISION A ZDA AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

COUNTY SURVEYOR DATE

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS _____ DAY OF _____, 201__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____ KNOWN OR IDENTIFIED TO ME TO BE THE ACTING COUNTY SURVEYOR FOR TWIN FALLS COUNTY, IDAHO THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF SAID COUNTY.

NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES_____RESIDING AT TWIN FALLS, IDAHO

APPROVAL OF CITY ENGINEER

I HAVE REVIEWED THE ACCOMPANYING PLAT AND HEREBY CERTIFY THAT IT CONFORMS WITH THE APPLICABLE ORDINANCES OF THE CITY OF TWIN FALLS, IDAHO.

CITY ENGINEER ATTEST

APPROVAL OF CITY COUNCIL

ACCEPTED BY THE CITY COUNCIL OF TWIN FALLS, IDAHO AT THEIR MEETING ON THE ____ DAY OF _____ 201__.

MAYOR CITY CLERK

CERTIFICATE OF COUNTY TREASURER

I, _____, COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO PER THE REQUIREMENTS OF IDAHO CODE 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY.

COUNTY TREASURER DATE

COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. _____

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF THAD FARNHAM, ANETTE FARNHAM, ROBERT C. GRABOWSKI AND BARBARA GRABOWSKI AT _____ MINUTES PAST _____ O'CLOCK, ___M., THIS _____ DAY OF _____, 201__, IN MY OFFICE AND WAS DULY RECORDED IN BOOK _____ OF PLATS AT PAGES _____ AND _____

DEPUTY EX-OFFICIO RECORDER

ADDISON SPRINGS SUBDIVISION
A ZDA

J-U-B ENGINEERS, INC.
TWIN FALLS, IDAHO 60-17-058_FP3
LAST UPDATED:8/6/2018

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Lisa Strickland, City Planner

PRESENTATION

Request:

PRESENTATION: Presentation of Certificate of Appreciation and Recognition of Service to Debbie Lattin, Nancy Taylor & Lucy Wills, Historic Preservation Commission.

Time Estimate:

The staff presentation may take 5-10 minutes.

Background:

Debbie Lattin served on the Historic Preservation Commission for 6 years. She was appointed in 2013 and reappointed in 2016. Debbie has recently decided to retire and has resigned from her position on the Historic Preservation Commission so that she can enjoy her retirement.

Nancy Taylor served on the Historic Preservation Commission for 6 years. She too was appointed in 2013 and reappointed in 2016. Nancy has served two full terms and has served as the Chairperson for the Committee for the past 5 years.

Lucy Wills was appointed to the Historic Preservation Commission in 2016 and has served 3 years.

All three of these ladies have been involved in many different projects during their time on the Historic Preservation Commission. In 2014 Debbie and Nancy both participated in the CLG Grant Project to restore the Lincoln Lights and to develop City Park Design Guidelines. In 2015 they also participated in the CLG Grant Project to develop Downtown Design Guidelines. In 2016 all three of these ladies were instrumental in assisting in the education of the public with regards to codifying the City Park and Downtown Design Guidelines, which were adopted in 2017. After this accomplishment their next big achievement was to participate in the CLG Grant Project for 2017 which was to develop our Historic Master Plan and our new Historic District Walking Tour Brochure and final approved in 2018. As you can see they have all been instrumental in achieving significant goals of the Historic Preservation Commission. Their service has provided this community guidelines that will help to preserve our rich history as we move into the future. They will be greatly missed.

Approval Process:

Budget Impact:

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

Staff would like to present a plaque of recognition to Debbie Lattin, Nancy Taylor and Lucy Wills and "Thank Them" for their years of service to the Historic Preservation Commission and to the City of Twin Falls.

Attachments:

None

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Brock Cherry, Planner, City Planner

ACTION ITEM

Request:

ACTION ITEM: Request to reappoint Samra Culum, Doug Baughman, and Allen Easterling and appoint Jonas Reagan, Monica McCue, and Jennifer Shaffer to the Historic Preservation Commission.

Time Estimate:

Five (5) minutes for Staff presentation; Three (3) minutes for Council questions and comments.

Background:

The terms of HPC Commissioners Samra Culum, Doug Baughman, and Allen Easterling have expired. After discussion between Mayor Barigar and City Staff it is recommended that Samra Culum, Doug Baughman, and Allen Easterling be reappointed for another three (3) year term.

Due to the vacancies left by former HPC Commissioners Nancy Taylor, Debbie Lattin and Lucy Wills it is expedient that new HPC Commissioners be appointed. The City advertised for applicants interested in becoming a City representative on the Historic Preservation Commission. Staff worked with the City PIO in listing the opening on the City Web page over a extended period. An interview committee composed of Mayor Shawn Barigar, Councilperson Chris Reid, HPC Commisioner Samra Culum,and City Planners Brock Cherry and Lisa Strickland interviewed four candidates. The committee was impressed by all the candidates, and ultimately agreed by consensus to move forward with Jonas Reagan, Monica McCue, and Jennifer Shaffer.

Jonas Reagan lives in city limits and works as a attorney. Mr. Reagan's legal background will fulfill the requirement mandated in City Code 2-7-3 that the council shall endeavor to appoint at least two (2) members with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, law, or other historic preservation related disciplines.

Moncia McCue lives in city limits and works as a Anesthesia Coordinator at a local health care provider. Monica also owns and operates the blog "Idaho Bucket List".

Jennifer Shaffer lives in city limits and works as a Customer Service Representative. Jenifer also has a bachelor's degree in Political Science.

All of the recommended appointees have a demonstrated interest, competence, or knowledge in history or historic preservation.

Approval Process:

Per City Code 2-7-3, members of the Historic Preservation Commission shall be appointed by the mayor and confirmed by a majority vote of the full council.

Budget Impact:

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

Attachments:

None

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Jason Brown, Environmental Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to approve the revised industrial surcharge program. This approval allows staff to continue to implement the industrial surcharge program in the most effective manner possible.

Time Estimate:

The staff presentation will take approximately 10 minutes.

Background:

In April 2018, staff presented the revised enforcement response plan and introduced a new industrial surcharge program. These documents became effective on October 1, 2018. Over the past several months staff has implemented the surcharge program.

During this time, staff noticed some unintended concerns with the industrial surcharge program. Namely, the surcharging of metals. Metal limits are based on studies of the wastewater treatment plants capacity to treat and are determined in our local limits evaluation. These limits are not intended to be used in the surcharge program. The revision to the surcharge program documents removes the metals from the surcharge portion of the program.

Also, included in this revision is the removal of significant none compliance (SNC) for multiple days of surcharging. The SNC status in federal regulations has specific meaning and penalties associated with it. During the implementation period, the program has been effective in providing opportunities to communicate between the industries and the City. Overall, this surcharge program has been effective in accomplishing the mission of compliance with state and federal pretreatment standards.

Approval Process:

City Council approval allows City staff to continue implementing the industrial surcharge program.

Budget Impact:

None

Regulatory Impact:

Help the City implement and enforce state and federal pretreatment standards.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council approve the resolution and the revised industrial surcharge program. This allows staff to continue implementation.

Attachments:

1. 2019 Industrial User Surcharge Program SOP_Rev. 2_Exhibit B
2. 2018 Enforcement Response Plan_FINAL_Exhibit A
3. 2019 - Industrial User Surcharge SOP Ordinance

INDUSTRIAL USER SURCHARGE PROGRAM SOP
CITY OF TWIN FALLS
INDUSTRIAL PRETREATMENT PROGRAM

The City of Twin Falls (City) has recently revised its *Enforcement Response Plan* in order to continue to improve their pretreatment program. Part of this revision was to look at the possibility of implementing a surcharge program. The basis of a surcharge program is to continually allow the City and its industrial partners the ability to remain compliant with federal, state, and local pretreatment standards. In order to bridge the *Enforcement Response Plan* and a surcharge program together, the City prepared this document (*Industrial User Surcharge Program SOP)*. As an independent document, the City has the ability to modify it more frequently, which provides the City with the ability to be more dynamic in its implementation of the program. Both the *Enforcement Response Plan* and this *Industrial User Surcharge Program SOP* will be used to implement the City's pretreatment program.

Having the goal in mind, the City developed a program that facilitates compliance with federal, state, and local pretreatment standards. This document outlines and details the surcharge program and its administration, along with a fining structure for enforcement limit exceedances in the individual industrial user permits. Each industrial user permit will have specific surcharge threshold and requirements incorporated into them to better implement compliance.

The administrative portions of the surcharge programs is outlined in Tables 1 through 4 below. Table 1 outlines the required administrative fines for violations of industrial permits and pretreatment regulations. Table 2 defines the administrative fines for excessive surcharging duration. Tables 3 and 4 outline the surcharging levels and rates associated with the pretreatment program. Charges due to surcharging or enforcement actions, along with monthly discharge monitoring reports, will be sent out at the beginning each month with the industrial utility billing invoices for the previous month's discharges.

Note: Enforcement limits, administrative fines, and Enforcement Rates have been included in the following tables as a reminder of enforcement. The Surcharge Program is not for enforcement and does not supersede the *Enforcement Response Plan.* See the City's *Enforcement Response Plan* for full details regarding enforcement.

TABLE 1: ADMINISTRATIVE FINES:VIOLATIONS

Any pollutant parameter violation	$250
Second violation of same pollutant parameter	$500
Third violation of same pollutant parameter	$750
Additional violation(s) of same pollutant parameter	$1,000

**note: Violations accrued during a month*

TABLE 2: ADMINISTRATIVE FINES FOR EXCESSIVE SURCHARGING

Consecutive Days of Surcharging 6-9	$750 per day
Consecutive Days of Surcharging 10+	$1,000 per day

**note: After 10 consecutive days of surcharging during a month, a meeting with the City's Engineer Department and the Industrial Pretreatment Coordinator must be scheduled within 7 days of the 10th consecutive surcharge day.*

**note: Surcharging period begins once lab results have been confirmed.*

TABLE 3: ENFORCEMENT VS SURCHARGE LEVELS

Pollutants	Surcharge	Enforcement Level
pH		Outside permit limit 6.0-9.5
BOD	Up to 1.4x Surcharge Threshold	Over 1.4x Surcharge Threshold
TSS	Up to 1.4x Surcharge Threshold	Over 1.4x Surcharge Threshold
FOG	Up to 1.4x Surcharge Threshold	Over 1.4x Surcharge Threshold
Flow	Up to 1.2x Surcharge Threshold	Over 1.2x Surcharge Threshold

**note: Surcharge thresholds are defined on each IU's Industrial Wastewater discharge permit*

TABLE 4: SURCHARGE RATES

Pollutant	1.0 - 1.2x the Surcharge Threshold	1.2 - 1.4x the Surcharge Threshold	Over 1.4x the Surcharge Threshold
BOD	5x the billing rate	10x the billing rate	15x the billing rate
TSS	5x the billing rate	10x the billing rate	15x the billing rate
FOG	$60 per mg/L over permit limit.		
Flow	10x the billing rate		15x the billing rate
Metals	$20 per percentage over wastewater discharge permit limit, (ex: lead limit is 0.9 mg/l; discharge of 1.8 is 200% over limit and would incur a fine of: $20 x 200=$4,000)		
pH	$25 for every 0.1 standard pH unit up to ± 0.5 standard units outside of permit limit $50 for every 0.1 standard pH unit above ± 0.5 standard pH units outside of permit limit		

****note: any discharge over the 1.0 Surcharge Threshold for pH and Metals will result in a violation. Any discharge over the 1.4 Surcharge Threshold for all other pollutants will result in a violation.***

As with the *Enforcement Response Plan*, the City reserve the right to bring enforcement actions against excessive violations through either fines, improvement projects which help eliminate future violations, or other means in order to maintain compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit or related programs. The city also retains the right to use fines/penalties for improvement projects which help eliminate future violations. The City retains the ability to evaluate the excessive nature of the violations with each industrial user.

Exhibit A

ENFORCEMENT RESPONSE PLAN

CITY OF TWIN FALLS

INDUSTRIAL PRETREATMENT PROGRAM

The City of Twin Falls is required under federal guidelines contained in 40 CFR Part 403 to implement and maintain an Enforcement Response Plan (ERP). The ERP ensures that the City of Twin Falls is achieving compliance with respect to the Clean Water Act (CWA), General Pretreatment Regulations (40 CFR Part 403), and the City of Twin Falls Wastewater Treatment Plant's NPDES permit (ID-002127-0).

AUGUST 2017

Background

In 1972, Congress enacted the Clean Water Act (CWA). The CWA established requirements for federal, State, and local agencies to control the discharge of pollutants to surface waters of the United States. The National Pollution Discharge Elimination System (NPDES) program was instituted to control point-source discharges to surface waters, including those of wastewater treatment plants.

In 1978, the EPA promulgated The General Pretreatment Regulations (40 CFR Part 403) and has continued to update and revise these regulations to reflect current knowledge of water quality issues, best management practices, and treatment technologies. These Regulations govern the discharge of pollutants to Publicly Owned Treatment Works (POTWs) from any non-domestic source regulated under §307(b), (c) or (d) of the CWA (i.e. industrial users) and provide municipalities (as defined in CWA § 502(4)) with the legal authority to implement and enforce the National Pretreatment Program.

All POTWs collect wastewater from homes, commercial buildings, and industrial facilities and transport it via a series of pipes, known as the collection system, to the treatment plant. Here, the POTW removes harmful organisms and other contaminants from the wastewater so it can be discharged safely into a receiving body of water. Generally, POTWs are designed to treat only domestic wastewater. However, POTWs also receive wastewater discharges from non-domestic users, which are regulated by 40 CFR Part 403. The purpose of these regulations is to control pollutants from industrial user discharges that may cause pass through or interfere with the POTW's treatment process or that may contaminate treated bio solids.

In general terms, the City of Twin Falls Pretreatment program consists of identifying industrial users (IUs) that are subject to federal regulations (*and - by extension – State regulations and local limits*), issuing such users Industrial Wastewater Discharge Permits, and enforcing noncompliance and/or violations of these permits.

Through its EPA-Approved Industrial Pretreatment Program, The City of Twin Falls is committed to demonstrating compliance with the CWA and the General Pretreatment Regulations, as well as its own NPDES permit (ID-002127-0), while also working with industrial users to provide service in a business-friendly, environmentally responsible manner.

The general Pretreatment Regulations identify specific requirements that apply to all non-domestic (i.e. industrial) sources of wastewater discharge to a POTW. Additionally, there are requirements that apply to all Significant Industrial Users (SIUs)[1] and certain requirements that apply only to Categorical Industrial Users (CIUs).[2]

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[1] As defined in 40 CFR 403.3(v)

[2] As defined in 40 CFR 403.3 (v)(i)

The objectives of the National Pretreatment Program are achieved by applying and enforcing both discharge standards and pretreatment standards. The general and specific prohibited discharge standards are contained in the National Pretreatment Standards: Prohibited Discharges (40 CFR 403.5), and the pretreatment standards are contained in: the Categorical Pretreatment Standards (40 CFR Parts 405-471), individual State requirements, and local discharge limitations (as per 40 CFR 403.5).

The requirement of a POTW to implement and maintain an enforcement response plan (ERP) is as follows (40 CFR 403.8(f)(5)):

The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

> (i) Describe how the POTW will investigate instances of noncompliance;
> (ii) Describe the types of escalating enforcement response the POTW will take in response to all anticipated types of industrial user violations and the time periods within which response will take place;
> (iii) Identify (by title) the official(s) responsible for each type of response;
> (iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2). (403.8(f)(5))

This enforcement response plan establishes the process for ensuring full compliance with all provisions of the local sewer use ordinance and industrial wastewater discharge permits. The remedies provided in this Enforcement Response Plan are not all-inclusive. The City may take any, all, or any combination of these actions against a non-compliant person or user. The City may take other actions against any person or user when the circumstances warrant. Furthermore, the City is empowered to take more than one enforcement action against any non-compliant person or user.

The ERP provides guidelines on how the City of Twin Falls (Control Authority) will investigate and respond to instances of Industrial User (IU) noncompliance. The ERP provides guidance as to the range of enforcement responses, including types of violations and time frames for actions and follow-up. The ERP also provides references to the legal authority (sewer use ordinance) used to carry out the enforcement responses. The Control Authority has the primary responsibility to enforce the local sewer use ordinance. The ERP has been developed in accordance with 40 CFR 403.8(f)(5) and EPA guidelines as presented in *Guidance for Developing Control Authority Enforcement Response Plans* (EPA 1989).

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1. ENFORCEMENT PROCEDURES

The following section addresses the enforcement procedures for noncompliance. The range of enforcement actions available to the Control Authority is identified, along with the personnel responsible for the different levels of enforcement actions. Guidance on how to determine what enforcement action is appropriate is also provided.

1.1 COMPLIANCE INFORMATION DOCUMENTATION

The Control Authority shall endeavor to keep accurate records of all compliance information to ensure accurate and prompt enforcement responses. Records shall be kept of each enforcement action taken in response to evidence of noncompliance.

1.2 PROCEDURES TO SCREEN FOR NONCOMPLIANCE

Noncompliance is determined based on the Control Authority's sample monitoring, inspection monitoring, and evaluation of industry-generated compliance monitoring reports. Wastewater sampling and/or inspection monitoring can occur daily, weekly, monthly, quarterly, or semi-annually depending on the discharger's performance or other relevant requirements, such as those contained in the discharger's industrial waste discharge permit.

All sampling results and reports shall be reviewed for violations of local enforcement limits, applicable hazardous waste limits, and federal pretreatment standards as appropriate. Sampling results from a discharger's self-monitoring report (SMR) or the Control Authority's monitoring program are given to the Industrial Pretreatment Coordinator to review for violations, and the Industrial Pretreatment Coordinator initiates enforcement actions, as necessary.

1.3 PRETREATMENT PROGRAM STRUCTURE AND DUTIES

The City of Twin Falls' Pretreatment Program involves a partnership between the Control Authority (City of Twin Falls) and CH2M (Contract Operator). In general terms, the Control Authority initiates formal enforcement actions, whereas the Contract Operator or Control Authority monitors SIU compliance with respect to Industrial Wastewater Discharge Permits, initiates informal enforcement actions in a timely manner, and recommends formal enforcement actions to the Control Authority. To achieve this, the Contract Operator's Industrial Pretreatment Coordinator performs the following:

- Reviews Control Authority sampling results and/or SIU self-monitoring reports, identifying discharge violations.
- Initiates enforcement actions for noncompliance as delineated in the Enforcement Response Guide (ERG).
- Tracks SIU's responses to enforcement actions, compliance meetings, and compliance schedules.
- Reviews SIU's response letters to ensure the responses are adequate.
- In conjunction with the City, sets up compliance meetings using appropriate communications.
- Reviews and prepares IU compliance history reports.
- Prepares recommendations for: Notices of Violation, Administrative fines, Administrative Orders, and/or Judicial Action(s).

1.4 RANGE OF ENFORCEMENT ACTIONS

Enforcement responses range from an informal telephone call to judicial actions that include criminal charges. For many noncompliance episodes, the least severe enforcement action may be taken, which is

an informal telephone call and/or e-mail. If the discharger continues to be in noncompliance, or if noncompliance becomes significant, enforcement action will be escalated.

The range of enforcement actions available to the Control Authority is delineated below, in order of increasing severity, along with a list of the personnel that have signature authority for the enforcement action.

TABLE 1. ENFORCEMENT ACTIONS AND RESPONSIBLE PERSONNEL

Enforcement Action	Initiating Personnel	Signature Authority
Corrective Notice: Informal action including telephone calls, Control Authority-generated discharge monitoring reports, site visits, warning letters, and/or e-mail communications	Industrial Pretreatment Coordinator	Industrial Pretreatment Coordinator
Notice of Violation (NOV)	City Personnel (*Industrial Pretreatment Coordinator provides recommendation*)	City Personnel
Administrative Order: Consent Order	City Personnel (*Industrial Pretreatment Coordinator provides recommendation*)	City Personnel
Administrative Order: Show Cause Hearing	City Personnel (*Industrial Pretreatment Coordinator provides recommendation*)	City Personnel
Administrative Order: Compliance Order	City Personnel (*Industrial Pretreatment Coordinator provides recommendation*)	City Personnel
Administrative Order: Cease and Desist Order	City Personnel (*Industrial Pretreatment Coordinator provides recommendation*)	City Personnel
Judicial Action	City Personnel (*Industrial Pretreatment Coordinator provides recommendation*)	City Personnel

A series of tables comprising an Enforcement Response Guide (ERG) is included within this ERP (see Section 2). The ERG is to be used to help Pretreatment Personnel determine the appropriate enforcement action that corresponds to the nature of the violation. The ERG shall serve as a minimum standard in determining enforcement responses.

As circumstances warrant, the Industrial Pretreatment Coordinator, or City Personnel may perform any enforcement action for which the Industrial Pretreatment Coordinator is responsible. The range of enforcement actions available are described below, listed in the approximate order of escalation.

1) ***Corrective Notice/Informal Action*** (e.g., telephone call, e-mail, Control Authority-generated discharge monitoring report, site visit or warning letter): Although these actions are informal they are still documented and kept in the discharger's file. A warning letter encourages the discharger to enact corrective action prior to issuance of an NOV or implementation of progressively severe enforcement action. A warning letter shall indicate it is not a Notice of Violation. Informal Actions are normally performed by the Industrial Pretreatment Coordinator, but may also be performed by the City Personnel.

2) ***Notice of Violation****:* This is an informal enforcement letter indicating in writing that it serves as a Notice of Violation (NOV) to the discharger. The NOV specifies the violation and requires some type of corrective action. The NOV is recommended by the Industrial Pretreatment Coordinator and authorized by the appropriate City Personnel.

3) ***Administrative Order****:* An administrative order is a formal enforcement document that requires the discharger to undertake or cease a specified activity and that requires compliance with pretreatment standards and requirements under the Twin Falls Municipal Code (Sewer Use Ordinance No. 2975). Administrative orders can include administrative penalties, compliance schedules and termination of service orders. Termination of water and or sewer service is an administrative response that can be implemented directly by the appropriate City Department. The four types of administrative orders used are a Consent Order, Show Cause Hearing, Compliance Order, and Cease and Desist Order.

a) A ***Consent Order*** is a formal agreement between the Control Authority and the discharger normally containing three elements: compliance schedules, stipulated fines or remedial actions and signatures of the Control Authority and industry representatives. The consent order is appropriate when the user accepts responsibility for its noncompliance and is willing to negotiate corrective actions in good faith. Examples of corrective actions that have been required under past Consent Orders include a compliance schedule, an engineering study of inflow and infiltration, and implementation of best management practices (BMPs).

b) A ***Show Cause Hearing*** is a formal request to appear before the Control Authority and “show cause” why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

c) A ***Compliance Order*** is a formal enforcement document that directs the discharger to achieve compliance according to specific actions (with specified due dates). The terms of a Compliance Order do not need to be discussed with the discharger. The Control Authority tracks the dischargers compliance with milestone dates set in the order.

d) A ***Cease and Desist Order*** is a formal enforcement document that directs the discharger to terminate illegal and/or authorized discharges immediately. This order is used when the discharge could threaten POTW operations, compliance or the environment. The order may be given immediately over the telephone, with a follow-up written order. The Control Authority has the authority to immediately halt any actual or threatened discharge to the treatment plant that may represent an endangerment to the

public health, the environment, or the treatment plant, upon informal notification to the Industrial User. (Sewer Use Ordinance Section 7-7-9.5).

4) ***Judicial Action**:* Civil or criminal cases can be brought against the discharger. The Control Authority brings civil and criminal cases to the attention of the City Attorney. (Sewer Use Ordinance Section 7-7-10)

1.5 TYPES OF NONCOMPLIANCE

To ensure the enforcement action selected is appropriate to the violation, the Control Authority has divided noncompliance episodes into two types, noncompliance and significant noncompliance.

1.5.1 NONCOMPLIANCE

Most cases of noncompliance that are not significant are:

1) First time or infrequent violations of enforcement limits, reporting requirements, or other permit requirements that may be identified during an inspection, except violations that would constitute significant noncompliance as delineated below,

2) Minor deficiencies in the submittal of information or reports, which in and of themselves do not constitute significant noncompliance.

All cases of noncompliance that are not significant may be followed up by a telephone call, e-mail, site visit, warning letter, or NOV and documented to the SIU's file.

1.5.2 SIGNIFICANT NONCOMPLIANCE

At a minimum, and except as provided within the definition, one or more of the criteria listed in the definition for Significant Noncompliance shall constitute significant noncompliance (see ***Table 7*** and ***Section 3, Definitions***) (40 CFR 403.8(f)(2)(viii)).

The Industrial Pretreatment Coordinator or Control Authority reviews violations that meet one or more of these criteria on a case-by-case basis. The Industrial Pretreatment Coordinator or Control Authority may determine that a violation, though technically meeting one of these criteria, did not meet the intent of the criteria. In such cases, the violation shall not be considered significant noncompliance, and the exception shall be noted.

The responsible personnel shall describe and document the reason why the violation did not meet the intent of the criteria in the discharger's Pretreatment Compliance Monitoring Correspondence and Enforcement file.

Dischargers who have been in Significant Noncompliance must be listed in the newspaper. The list must be published at least annually as required by 40 CFR 403.8(f)(2)(viii). EPA guidance indicates that the act of publishing a list of Significant Violators may be used by the POTWs as a deterrent to continued noncompliance (EPA 1989).

The list of dischargers who are in Significant Noncompliance is published in the *local newspaper with the largest circulation*. Federal regulations require the public notice to contain the names of significant violators and an accompanying statement regarding the violations during the previous twelve months (40 CFR 403.8(f)(2)(viii). However, EPA states that the public notice may also include additional information such as duration of violation, type and severity of violation, compliance action taken (if any), whether the Industrial User is currently complying with a compliance schedule, and whether the Industrial User has returned to compliance (EPA 1989).

1.6 ADMINISTERING ENFORCEMENT ACTION

There are a number of factors to consider when selecting an enforcement action from the range of available enforcement actions. These factors include:

- **Magnitude of the violation.**
- **Duration of the violation.**
- **Effect of the violation on the receiving water.**
- **Effect of the violation on the POTW.**
- **Compliance history of the Industrial User.**
- **Good faith of the Industrial User.**

The Control Authority considers the above factors when deciding how stringent an enforcement action is warranted under recommendation of the Industrial Pretreatment Coordinator. It is important to be consistent when using these factors to determine the enforcement response for a noncompliance episode. More information on each of these factors is presented below.

1.6.1 Magnitude of the Violation

For a given category of violation, the Control Authority may need to decide if the violation constitutes Significant Noncompliance as defined in 40 CFR 403.8(f)(2)(viii) (see ***Section 4 Definitions*** and ***Table 6***). It is recommended that the Control Authority respond to Significant Noncompliance "with an enforceable order that requires a return to compliance by a specific deadline" (EPA 1989).

An initial enforcement response for most instances of noncompliance will be a site visit, a telephone call, e-mail, or a warning letter that informs the discharger of the nature of the violation, the SUO section violation, and the consequence of a failure to correct the deficiency.

1.6.2 Duration of the Violation

Regardless of whether noncompliance is deemed significant, if the discharger does not respond to the initial enforcement response or continues to be in noncompliance, or if the violation continues over prolonged periods of time, an escalated enforcement action is taken.

1.6.3 Effect of the Violation on the Receiving Water or Biosolids

Industrial User noncompliance might adversely affect receiving waters or the quality of the Biosolids. Environmental harm is presumed whenever an Industrial User discharges a pollutant into the collection system that:

- Passes through the POTW
- Causes interference with POTW processes
- Causes a violation of the POTW's NPDES permit
- Has a toxic effect on the receiving waters
- Causes an exceedance in a Biosolids limit or otherwise limits its beneficial reuse

Such violations shall be addressed through formal enforcement action and penalties to ensure that adequate treatment and compliance is achieved promptly. In some cases, injunctive measures may also be appropriate.

1.6.4 Effect of the Violation

Industrial User noncompliance might cause interference with treatment plant performance. Such violations shall be addressed through formal enforcement action and penalties to ensure that adequate

treatment and compliance is achieved promptly. In some cases, injunctive measures may also be appropriate.

1.6.5 Compliance History of the Industrial User

More aggressive enforcement actions should normally be taken against facilities that frequently exceed numerical pretreatment standards than those that report isolated violations, unless the isolated violations are significant or troublesome when weighed using the factors delineated above under "*Types of Noncompliance*". Informal review meetings or a written notice of violation should seek specific explanations of the cause of frequent exceedances. If inadequate operating practices are found to be the cause, the Industrial Pretreatment Coordinator and/or City Personnel should seek specific commitments and deadlines to improve operating practices. If additional treatment is required, an enforceable compliance schedule should be issued to the industrial facility.

1.6.6 Good Faith of the Industrial User

If Industrial User personnel appear to be attempting in good faith to comply with pretreatment requirements, enforcement actions should be on a more cooperative level than if Industrial User personnel do not appear to be attempting to comply in good faith. Staff responsible shall weigh the specific facts of the situation or acts performed by the Industrial User in determining whether the Industrial User is attempting to comply in good faith. In addition, Control Authority staff shall be aware that the CWA requires extraordinary efforts to comply with its requirements in a timely manner. Good faith shall be measured against this standard. Congress clearly expresses the efforts that are expected:

The Act requires industry to take extraordinary efforts if the vital and ambitious goals of the congress are to be met. This means that business-as-usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing the good faith of a discharger, the discharger is to be judged against these criteria. Moreover, it is an established principle, which applies to this act, that administrative and judicial reviews are sought on the discharger's own time. (U.S. Congress 1978, p. 468)

Thus, if a facility challenges a permit, contract, or applicable pretreatment standard and delays progress toward compliance, the facility assumes the risk that the permit, contract, or standard will be upheld on judicial review. If the facility begins aggressively to come into compliance only after a decision is made adverse to its interests, it cannot be considered to have acted in good faith. Likewise, if a facility follows business-as-usual procedures, it cannot be considered to have acted in good faith.

1.7 RESPONSE TIME

In cases where the Control Authority is conducting sampling and generating compliance data, Discharge Monitoring Reports shall be generally sent out on a weekly basis to applicable SIU's. These reports contain up-to-date discharge information and constitute an informal enforcement action in cases of enforcement limit violations. It is the responsibility of the industry to have an authorized representative review this report and note any permit violations (*enforcement limits, etc*.) and address the cause(s) of the violations. It is the responsibility of the Industrial Pretreatment Coordinator to submit recommendation(s) for formal enforcement action to City Personnel by the 10th of the following month. City Personnel will initiate the appropriate enforcement action usually within 30 days, but no later than 90 days upon receiving the Industrial Pretreatment Coordinator's recommendations concerning formal enforcement action(s).

In the case where an Industrial User (*SIU or CIU*) is conducting self-monitoring and generating associated compliance monitoring reports, these reports are due by the 15th of the following month, with an extra 30 days allowed for metals sampling results. (Industrial Wastewater Discharge Permit, "Part 3 - Reporting Requirements" and Sewer Use Ordinance, section 7-7-4.3(A-H)) All compliance reports will be reviewed and an evaluation of compliance status made within 10 days upon receipt by the Industrial Pretreatment Coordinator. If, after the evaluation, one or more enforcement actions are deemed necessary, the following time frames for initial enforcement should apply:

If the violation is derived from an Industrial User report that is received by its due date, a 30-day period for initial enforcement action begins on the date when determination of noncompliance is made upon evaluation of the report.

If a report is not received by its due date, the 30-day period shall begin upon discovery of the violation by evaluation of the report, but any report received more than five days late shall in itself constitute an actionable violation, as delineated in the ERG. If the violation is found through an inspection or some other means, the 30-day period begins on the date the Industrial Pretreatment Coordinator or other responsible personnel acquire knowledge of the violation.

Any violations meeting the criteria for SNC will generally be addressed with an Administrative Order **within 15 working days** of the identification as SNC.

After the initial enforcement action has been taken, it is essential that follow-up action be taken to determine the effectiveness of the initial enforcement action. If the initial enforcement brought about the desired result, the follow-up action could simply entail a confirmation letter or e-mail to this effect. If, on the other hand, the initial enforcement action did not achieve the desired result, follow-up actions will be taken.

Follow-up response time begins on the compliance date specified in the initial action. By way of an example, if a NOV required a written response by the 10th day of the month, a follow-up action would be required within 30 days following that date. **These deadlines are the outer limit of enforcement response times. Depending on the situation, a quicker response may be necessary.**

Follow-up actions may include:

- Administrative Order sent certified mail or hand-delivered within 30 calendar days.
- Notice of Compliance Status Review Meeting sent certified mail or hand delivered within 30 calendar days.
- Seek administrative fines within 30 calendar days.
- Seek civil penalties within 30 calendar days.
- Contact City Attorney for possible civil and/or criminal lawsuit within 30 calendar days.
- Initiate termination of service within 30 calendar days.
- Initiate revocation of permit within 30 calendar days.

Violations that threaten health or environmental quality or that cause - or threaten to cause - interference to the POTW or cause the City to violate any condition of its NPDES permit are considered emergencies and will receive **immediate** responses such as halting the discharge or termination of service. (Sewer Use Ordinance Section 7-7-9.7)

1.8 GUIDANCE FOR ALLOCATING ADMINISTRATIVE FINES AND PENALTIES

The maximum administrative fine that can be levied against a discharger is $1,000 per violation, per day. (Sewer Use Ordinance Sect. 7-7-9.6) The minimum administrative penalty varies depending on the severity of the violation, including whether-or-not the violation falls under significant noncompliance criteria and/or causes endangerment to health or the environment. Guidelines for assessing fines are provided below. The Control Authority reserves the right and discretion to recover all costs associated with SIU discharge violations that cause damage to the POTW, result in POTW interference or pass through, causes the POTW to violate its NPDES permit, or results in additional operational costs to the control authority or contractors. The Control Authority also reserve the right and discretion to negotiate the assessment of these costs.

1.8.1 Enforcement Limit Violations

Enforcement limit violation fines accompany Notices of Violation or Administrative Orders. For violations of permit enforcement limits, the fine starts at $250 per discharge parameter violation. If multiple violations for the same parameter occur in the same month, the fines increase accordingly: $500 for second violation, $750 for third violation, and $1,000 for each subsequent violation beyond the third.

The following table shall be used to determine the proper amount of the fine to be issued.

Table 2: Enforcement limit Violation Fines

Any pollutant parameter violation	$250
Second violation of same pollutant parameter	$500
Third violation of same pollutant parameter	$750
Additional violation(s) of same pollutant parameter	$1,000

If a discharge interferes with the City's wastewater treatment plant, and/or the City's collections system, sewer pump stations, and/or the discharge causes an upset or pass through at the City's wastewater treatment plant, the City may issue an administrative penalty in addition to fines and as a way to recover any and all the City's expenses incurred as a result of the discharge(s). The fines, penalties and recuperation of the City's cost are in addition to the requirement(s) the City will place on the facility to prevent any future occurrence.

1.8.2 Reporting Violations

A fine may be assessed for late self-monitoring reports (SMR) or incomplete self-monitoring reports. The Control Authority allows a two business day grace period beginning on the date the self-monitoring report is due. The amount of the fine depends on the number of days the report was or continues to be late beyond the grace period, whether the report is incorrect and whether the self-monitoring report contains any discharge violations.

The following table shall be used to determine the proper amount of the fine to be issued.

Table 3: Reporting Violation Fines

Number of days report is late or incorrect	*Fine per day for a SMR with no violations*	*Fine per day for a SMR with discharge violations*
<30 days	$100 per day	$200 per day
>30 days	$200 per day	$400 per day

1.9 INCREASE IN INDUSTRIAL USER SELF-MONITORING FOR EFFLUENT VIOLATIONS

In cases of Industrial User self-monitoring when an SIU has one or more violations of any Wastewater Enforcement Limit, the Control Authority may require the Industrial User to sample for all parameters that were violated once a week for four consecutive weeks, or for four consecutive discharge days, to commence within 7 days of receipt of the Notice of Violation.

Four consecutive weeks refers to a week in which the regulated discharge would occur. Metals, BOD and TSS samples shall be composites as appropriate to the discharge, all others are to be grab samples or as specified in 40 CFR part 136. The sampling specified above may be used to satisfy the facilities monitoring as required in their wastewater discharge permit.

The results of each sample must be received by the Control Authority within five days from when the Industrial User has received results, but in no event longer than thirty days from the date the sample was taken.

Notice of the increase in sampling shall be in letter form and shall be sent certified mail. In the event that it is not possible for an Industrial User to increase the frequency of self-monitoring, then the Industrial Pretreatment Coordinator may perform an unannounced inspection at the Industrial User's site and, if possible, sample for the parameter violated within thirty days of becoming aware of the violation. The cost of this enforcement activity will be billed to the Industrial User.

2. ENFORCEMENT RESPONSE GUIDE

This guide has been developed as a tool for the Control Authority to utilize when determining the appropriate response to a specific violation of pretreatment regulations.

Furthermore, this guide is intended to serve two main purposes:

1. Cover enforcement response that may be appropriate in relation to the nature and severity of the violation and overall degree of noncompliance.

2. Serve as a reference to encourage the uniform application of enforcement response to comparable levels and types of violations as well as a mechanism to review the appropriateness of the response by Twin Falls pretreatment personnel.

Key elements in all enforcement responses are the timeliness with which they are initiated and the effect on compliance. Given many types of violations, applicable legal enforcement procedures, and the variance in resources available to the Control Authority, no specific time frame is established in which to initiate and complete a given response. The professional judgement of Twin Falls pretreatment personnel is essential to effective enforcement.

Within this section, the steps that are recommended to be taken when issuing enforcement actions are outlined. In addition, several tables are included that provide guidance on enforcement response.

2.1 RECOMMENDED STEPS FOR ALL ENFORCEMENT ACTIONS

1. Identify and verify the noncompliance and/or violation

2. Evaluate SNC

3. Identify the legal authority supporting the enforcement action
4. Evaluate compliance history and “good faith” of the Industrial User by consulting the enforcement history in their file
5. Notify affected Industrial User using the appropriate level of response once a violation is verified
6. Where applicable, require the Industrial User to:

    a) Identify the cause of the violation and report on the cause

    b) Correct the violation and report on corrective action(s)

    c) Establish a date or dates by which the above corrective measures are to be completed

    d) Re-sample all parameters in violation to demonstrate compliance within 30 days
7. The affected Industrial User will be required to respond in writing within 15 to 30 days of notification
8. The Control Authority will review the response (and may meet with the appropriate Industrial User representative) to determine the next step. The following scenarios may apply:

    a. The Industrial User corrects the violation or pretreatment personnel determine that the response does not warrant escalating enforcement. No further action is warranted

    b. The Industrial User fails to submit a response, fails to comply, or the violation is not corrected. Control Authority escalates the level of response
9. Follow-up with escalated enforcement action if the Industrial User’s response is not received or if violation continues
10. Document actions

2.2 EFFECTIVENESS OF ENFORCEMENT

The measure of the effectiveness of an enforcement response includes:

1. Whether the non-complying source returns to compliance as expeditiously as possible.

2. Whether the enforcement response establishes the appropriate deterrent effect for the particular violator and for other potential violators.

3. Whether the particular response is equitable when compared against similar violations and their associated enforcement responses.

2.3 ENFORCEMENT RESPONSE HIERARCHY

2.3.1 Response Level 1

Level 1 responses are generally informal and represent the enforcement efforts utilized by the Control Authority to bring the Industrial User into compliance before a state of significant noncompliance is achieved. The following enforcement actions are utilized at this level of response:

1. Corrective Notice (*Phone call/e-mail*)

This informal response is the initial action immediately taken by the Control Authority (usually the Pretreatment Coordinator) for missed deadlines, isolated or infrequent self-monitoring deficiencies, minor reporting deficiencies, isolated or infrequent discharge violations, and other minor incidence of noncompliance as detected by sampling and/or inspection. Generally, a time frame for correction of the violations can be agreed upon between the Industrial User and the Control Authority and can include an extension of the deadline if a valid reason is given. In instances of limit violations, immediate verification sampling by the Industrial User and/or the Control Authority is requested to determine if the violation is continuing and to determine if further action is needed to correct the problem.

In order to establish a compliance record "good faith" history of an Industrial User, it is important to accompany a corrective notice with an update to the User's enforcement file with the following information:

- Name of the Industrial User
- Name and Title of the person contacted
- Date and Time
- Nature of the violation
- Items discussed
- Results of conversation
- Initials or signature of person initiating the call/e-mail

In many cases, a phone call and/or e-mail is sufficient to bring the Industrial User back into compliance. However, when contacting the Industrial User does not result in measureable progress toward compliance, a letter of violation is issued to the Industrial User.

2. Informal Notice of Violation (NOV)

This informal enforcement action is taken when a phone call and/or e-mail to the Industrial User is not sufficient to prompt the User to return to compliance. When a User appears to be establishing a pattern of violations or when violations are detected by sampling or inspection, a letter of violation may be issued in conjunction with a phone call.

The informal NOV should contain: the nature of the violation (*citing the applicable section in the permit/ordinance*), the date the violation occurred, and the enforcement option that may be utilized should the Industrial User fail to implement corrective action in order to achieve compliance with pretreatment regulations. As needed, a time frame to implement corrective action and show progress toward achieving compliance may also be established in the letter.

3. Certified Notice of Violation

A certified notice of violation is the last enforcement action utilized at Level 1, and is the final attempt to resolve the noncompliance issue before a state of significant noncompliance (SNC) is reached by the User. This enforcement action can also be issued as an initial response to more serious violations such as certain self-monitoring violations, frequent limit violations (when initially discovered through an Industrial User's semiannual compliance report), or other noncompliance events listed specifically in the enforcement response guide tables. A certified NOV is similar to the informal NOV, but is sent by certified mail to document that the User actually received the letter and the date it was received. A compliance schedule submitted by the User by a certain date is requested in a certified NOV.

It is the intent of the Control Authority to resolve the vast majority of noncompliance issues within the Level 1 category of enforcement action. However, formal enforcement procedures are necessary when, due to negligence, stubbornness, or lack of interest on the part of the Industrial User, a state of SNC has been achieved.

2.3.2 Response Level 2

When a state of SNC has been reached by the Industrial User, Level 2 enforcement action is initiated, requiring the Control Authority to issue any number of formal enforcement responses, including: Administrative Orders (A0), Show Cause Hearings, Compliance Orders (CO), Cease and Desist Orders, and/or Judicial Actions (JA).

Level 2 enforcement represents an escalation in enforcement severity and directs the Control Authority to report such enforcement to the EPA as part of the Pretreatment Performance Summary of User noncompliance.

Level 2 enforcement will generally include increased fines and/or compliance schedules with specified due dates by which certain levels of progress toward compliance with pretreatment regulations must be achieved.

2.3.3 Response Level 3

This level of enforcement is reserved for the extreme occasion when the Industrial User does not respond to an Administrative Order (*or other formal enforcement action*), does not adhere to compliance schedules, and where fines have no effect in bringing the User into compliance with pretreatment regulations. This level of enforcement action generally requires the consultation of the City's Legal Department to determine the appropriateness and legal basis for the action to be implemented, but includes such actions as:

1.) Judicial Action (may include civil penalties and injunctive relief)

2.) Service Suspension, Termination of Discharge, and/or Permit Revocation

In extreme cases, where no remedies can be mitigated or a state of emergency exists, the Control Authority can revoke or suspend the services of an Industrial User in violation of Federal, State, or Local laws, ordinances, or regulations.

a.) The Control Authority may revoke a wastewater discharge permit for – but not limited to – the reasons listed in the Sewer Use Ordinance, sect. 7-7-9.8

b.) The Control Authority may immediately suspend an Industrial User's discharge after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or causes an imminent or substantial endangerment to the health or welfare of persons as outlined in the Sewer Use Ordinance, sect. 7-7-9.7.

Overview of Enforcement Response Tables

The enforcement response tables (**Table 4** through **Table 6**) outline general types of non-compliant conditions and a range of responses that may be appropriate depending on the specific conditions encountered. The column headings used in each table are as follows:

Type of Noncompliance	Specific Nature of Violation	Enforcement Response	SNC	Enforcement Signature

These column headings are listed and described in more detail below:

1) **Type of Noncompliance**: General description of a noncompliant condition.

2) **Specific Nature of Violation**: A description is provided to allow City staff to distinguish between the types of enforcement that may be appropriate.

3) **Enforcement Response**: Based on the information selected under **Type of Noncompliance** and **Specific Nature of Violation**, the recommended enforcement response(s) are reviewed, and the appropriate enforcement response(s) are identified.

a) City staff may select from the enforcement options presented based on a number of factors, including whether the Industrial User is a first time offender or repeat offender, or has demonstrated good faith efforts or negligence (see Section 1.6 Administering Enforcement Action). The selected enforcement action may be stricter or more lenient than that specified for a given type of noncompliance, but Pretreatment staff must clearly document the action taken and why the deviation from the ERP was warranted.

4) **SNC**: Determine whether or not the violation meets the criteria for significant noncompliance (SNC) as defined in 40 CFR 403.8(f) (2) (viii) and outlined in **Table 6**.

TABLE 4: DISCHARGE VIOLATIONS

Type of Noncompliance	*Specific Nature of Violation*	*Enforcement Response*	*SNC?*
Unpermitted Discharge	IU unaware of requirement No Harm to POTW/Environment	Level 1: CN/NOV	NO
	IU unaware of requirement Harm to POTW/Environment	Level 2: NOV/AO	YES
	Failure to apply for permit after notification	Level 2: AO	YES
Non Permitted Discharge	IU has not submitted application 90 days prior to expiration	Level 1: CN/NOV	NO
Exceedance of discharge limits (Permit, Local Limits, Federal Pretreatment Standards)	Occasional exceedance	Level 1: CN/NOV	NO
	Reoccurring, magnitude, multiple parameters	Level 2: NOV/AO	YES
	Isolated harm to POTW or environment	Level 2: NOV/AO/JA	YES
	Recurring no harm to POTW or environment	Level 3: NOV/AO/JA	YES
	Recurring harm to POTW or environment	Level 3: JA/Termination of Service	YES
	Dilution	Level 2: NOV/AO	YES
Illegal Discharge	No harm to POTW or environment	Level 1: NOV	NO
	Discharge causes harm or evidence of intent	Level 3: AO/JA/Termination of Service	YES
	Continued discharge after Administrative Order	Level 3: AO/JA/Termination of Service	YES

*CN = Corrective Notice, NOV = Notice of Violation, AO = Administrative Order, JA = Judicial Action

TABLE 5: MONITORING, SAMPLING, AND REPORTING VIOLATIONS

Type of Noncompliance	*Specific Nature of Violation*	*Enforcement Response*	*SNC?*
Reporting Violations (including electronic reporting)	Report is improperly signed or certified	Level 1: CN/NOV	NO
	Late, not significant (> 5 days)	Level 1: CN/NOV	NO
	Late, Significant (45 days or more)	Level2: AO	Yes
	Failure to report spill, slug, or changed discharge	Level 1: NOV	NO
	Reports are repeatedly late or no reports at all	Level 2: AO	YES
	Failure to report spill, slug, or changed discharge (results in harm	Level 2/3: AO/JA	YES
	Falsification of any kind	Level 2/3: AO/JA	YES
	Inadequate Recordkeeping	Level 1/2: NOV/AO	NO
	Failure to report noncompliance	Level 1: NOV	NO
Monitoring Violations	Failure to monitor pollutants as required by permit	Level 1: NOV	NO
	Recurring failure to monitor	Level 2: AO	YES
	Failure to install monitoring equipment <30 days	Level 1: NOV	NO
	Failure to install monitoring equipment >30 days	Level 2: AO	YES
	Failure to report additional monitoring	Level 1: NOV	NO
Sampling Violations	Sampling at incorrect location	Level 1: NOV	NO
	Incorrect sampling container	Level 1: NOV	NO
	Incorrect sample collection techniques	Level 1: NOV	NO
	Failure to maintain sampling equipment	Level 1/2: NOV/AO	NO

*CN = Corrective Notice, NOV = Notice of Violation, AO = Administrative Order, JA = Judicial Action

TABLE 6: OTHER PERMIT VIOLATIONS

Type of Noncompliance	*Specific Nature of Violation*	*Enforcement Response*	*SNC?*
Compliance Schedules	Missed milestone by less than 30 days, or will not affect final milestone	Level 1: CN/NOV	NO
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	Level 1: CN/NOV	NO
	Missed milestone by more than 90 days, or will affect final milestone (no good cause for delay)	Level 2/3: AO/JA/Termination of Service	YES
	Recurring violation or violations of schedule in Administrative Order	Level 2/3: JA/Termination of Service	YES
Failure to mitigate types of noncompliance or halt production	Does not result in harm	Level 1: NOV	NO
	Does result in harm	Level 2/3: AO/JA/Termination of Service	YES
Failure to properly operate and maintain pretreatment facility	Does not result in harm	Level 1: NOV	NO
	Does result in harm	Level 2/3: AO/JA	YES
Entry Denial	Entry denied or consent withdrawn during inspection	Level 2/3: AO/JA	YES
	Copies of records denied	Level 2/3: AO/JA	YES

TABLE 7: SIGNIFICANT NONCOMPLIANCE

Significant Noncompliance (see 40CFR 403.8(f)(2)(viii))	
Significant Noncompliance Criterion	*Enforcement Response*
A. Chronic violations of wastewater enforcement limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits	Administrative Order
B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH)	Administrative Order
C. Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW enforcement signature or the general public)	Administrative Order
D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 33.03.200 to halt or prevent such a discharge	Administrative Order
E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance	Administrative Order
F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules	Administrative Order
G. Failure to accurately report noncompliance	Administrative Order
H. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program	Administrative Order

3. DEFINITIONS

The terms used in this ERP are defined below.

Administrative Fine: A punitive monetary charge unrelated to actual treatment costs that are assessed by the Control Authority rather than a court.

Administrative Order (AO): A document that orders the violator to perform a specific act or refrain from an act.

Cease and Desist Order: An administrative order directing an Industrial User to immediately halt illegal or unauthorized discharges.

Civil Litigation: A lawsuit filed in a civil court. If the court rules that the defendant Industrial User violated the law, the court may impose civil penalties, injunctions or other equitable remedies and/or cost recovery.

Civil Penalty: A punitive monetary award granted by a court to the Control Authority against a noncompliant Industrial User.

Compliance Order: An administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

Compliance Schedule: A schedule of required activities (also called milestones) necessary for an Industrial User to achieve compliance with all pretreatment program requirements.

Compliance Status Review Meeting: An informal enforcement action requiring a meeting between the Control Authority and the noncompliant Industrial User.

Consent Order: An administrative order embodying a legal enforcement agreement between the Control Authority and the noncompliant Industrial User designed to restore the user to compliance status.

Control Authority: The entity directly administering and enforcing pretreatment standards and requirements against dischargers. For purposes of this Enforcement Response Plan, the Control Authority is the City of Twin Falls.

Criminal Prosecution: A criminal charge brought by the Control Authority against an accused violator. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment, or both.

Discharger: A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to the Clean Water Act §402 (an NPDES discharge). Dischargers include those domestic, industrial and commercial establishments whose discharges to the City's sewerage system include non-sanitary wastes.

Enforcement Limit: The maximum allowable discharge of a pollutant during a calendar day before enforcement action is taken against a discharger. ***Note:*** *In some, but not all cases, this can be considered discharge limit for some parameters*.

Fine: A punitive monetary charge for a violation of the law. Often used synonymously with "penalty" although the term "fine" generally implies the use of administrative rather than civil (judicial) procedures.

Industrial User (IU): A source of indirect discharge that does not constitute a "discharge of pollutants" under regulations issued pursuant to the Clean Water Act §402 (an NPDES discharge). Industrial Users include those industries and commercial establishments whose discharges to the City's sewerage system include non-sanitary wastes, and who are regulated under the City's Pretreatment Program under a system of discharge permits. (40 CFR 403.3(j))

Good Faith: A characteristic of actions exhibited by a discharger that show prompt and significant measures undertaken to achieve compliance. Good faith may also be defined as the user's honest intention to remedy its noncompliance coupled with actions that support this intention (see EPA's *Guidance for Developing Control Authority Enforcement Response Plans,* 4.1.6).

Judicial Action or Case: An enforcement action that involves a court. (The action may be either civil or criminal in nature).

Notice of Violation (NOV): A Control Authority document notifying a discharger that it has violated pretreatment standards and requirements, including but not limited to local discharge limits. (Sewer Use Ordinance, Sect. 7-7-9.1)

Penalty: A monetary or other punitive measure, usually associated with a court action. For the "Penalty" term is often synonymous with "fine," although the term "penalty" generally implies the use of civil (judicial) procedures.

Publicly Owned Treatment Works (POTW): A system of conveyances and treatment for wastewater and industrial wastes. Also refers to the government officials or Control Authority responsible for operation and maintenance of the collection system or treatment plant and the administration of the pretreatment program.

Responsible Personnel: A person responsible for performing or authorizing an Enforcement Action, including the Industrial Pretreatment Coordinator, the Wastewater Treatment Plant Project Manager, or the City Engineer or his/her designees, as specified in this ERP.

Show Cause Order: An administrative order directing a noncompliant user to appear before the Control Authority, explain its noncompliance, and show cause why more severe enforcement actions against the user should not go forward. (Sewer Use Ordinance, Sect. 7-7-9.3)

Significant Noncompliance (SNC): A violation that meets one or more of the following criteria (see 40 CFR 403.8(f) (2) (viii)):

(A) Chronic violations of wastewater enforcement limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits;

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative s9tandard) that the POTW determines has caused, alone or in

combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 33.03.200 to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program.

RESOLUTION NO. 2019-###

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, UPDATING THE INDUSTRIAL USER SURCHARGE PROGRAM, REPEALING AND REPLACING RESOLUTION R-2018-005.

WHEREAS, on April 30, 2018, the City Council adopted a new Industrial Enforcement Response Plan and Industrial User Surcharge Program SOP via Resolution R-2018-005, with an effective date of October 1, 2018; and,

WHEREAS, the Industrial User Surcharging Program SOP needs to be updated (Removal of metal limits as a surcharge parameter and the removal of the significant non-compliance status for multiple day surcharging.), however, there are no changes to the Enforcement Response Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: That Resolution R-2018-005 is repealed; and,

Section 2: That the Industrial User Enforcement Response Plan (no changes or modifications), attached hereto as Exhibit "A", and the Industrial User Surcharge Program SOP (changed and modified as noted) for the City of Twin Falls Industrial Pretreatment Program, attached hereto as Exhibit "B", are hereby adopted for the City of Twin Falls, Idaho with an effective date of July 1, 2019.

PASSED BY THE CITY COUNCIL: June ___, 2019.

SIGNED BY THE MAYOR: June ___, 2019.

_____
MAYOR

ATTEST:

_____
DEPUTY CITY CLERK

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to change the street name from Carriage Lane to Carriage Lane North, as platted in Addison Springs Subdivision, a ZDA.

Time Estimate:

The staff presentation will take approximately 2 minutes.

Background:

Carriage Lane was platted as public right-of-way in Addison Springs Subdivision. City staff would like to change the street name to Carriage Lane North. This street should be designated as north per City code.

Approval Process:

City Code Section 8-1-3 states: The names of streets and avenues as given and shown on the map of the City adopted by the City Council on February 25, 1957, and on file in the office of the City Clerk, or as may hereafter be renamed by said Council, are hereby declared to be the names of the same. Names of all streets and avenues hereafter dedicated shall be approved by the City Council. (1958 Code, ch. IV, art. 1).

Budget Impact:

The Council's approval of this request will not impact the City budget.

Regulatory Impact:

None.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council approve the request to rename Carriage Lane to Carriage LaneNorth.

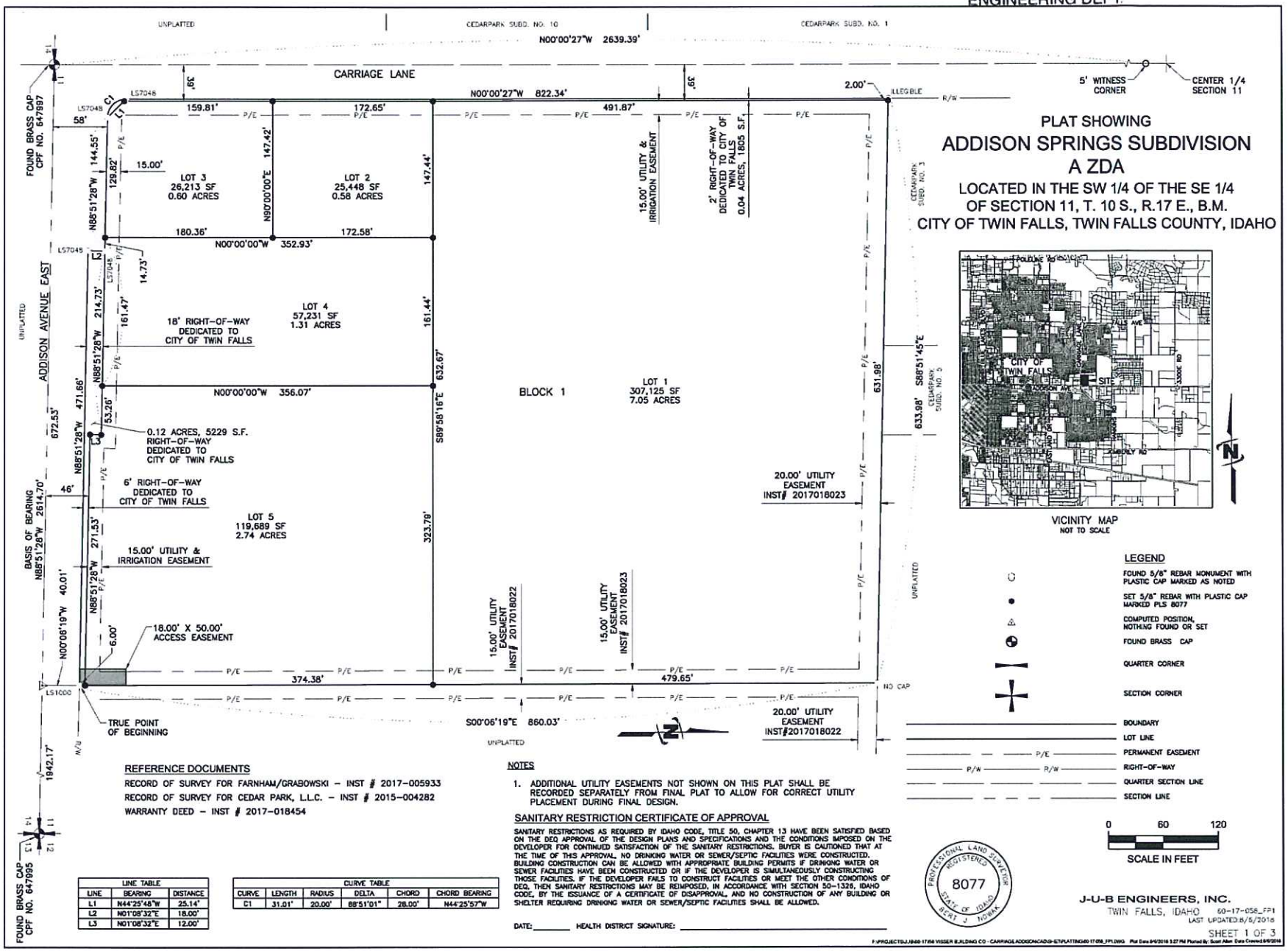
Attachments:

1. Final Plat

RECEIVED

AUG 07 2018

CITY OF TWIN FALLS
ENGINEERING DEPT.



PLAT SHOWING
ADDISON SPRINGS SUBDIVISION
A ZDA

LOCATED IN THE SW 1/4 OF THE SE 1/4
OF SECTION 11, T. 10 S., R.17 E., B.M.
CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO

VICINITY MAP
NOT TO SCALE

LEGEND

- FOUND 5/8" REBAR MONUMENT WITH PLASTIC CAP MARKED AS NOTED
- SET 5/8" REBAR WITH PLASTIC CAP MARKED PLS 8077
- COMPUTED POSITION, NOTHING FOUND OR SET
- FOUND BRASS CAP
- QUARTER CORNER
- SECTION CORNER
- BOUNDARY
- LOT LINE
- PERMANENT EASEMENT
- RIGHT-OF-WAY
- QUARTER SECTION LINE
- SECTION LINE

0 60 120
SCALE IN FEET

REFERENCE DOCUMENTS

RECORD OF SURVEY FOR FARNHAM/GRABOWSKI – INST # 2017-005933
RECORD OF SURVEY FOR CEDAR PARK, L.L.C. – INST # 2015-004282
WARRANTY DEED – INST # 2017-018454

NOTES

1. ADDITIONAL UTILITY EASEMENTS NOT SHOWN ON THIS PLAT SHALL BE RECORDED SEPARATELY FROM FINAL PLAT TO ALLOW FOR CORRECT UTILITY PLACEMENT DURING FINAL DESIGN.

SANITARY RESTRICTION CERTIFICATE OF APPROVAL

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED BASED ON THE DEQ APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

DATE:_____ HEALTH DISTRICT SIGNATURE: _____

PROFESSIONAL LAND SURVEYOR REGISTERED 8077 STATE OF IDAHO BERT J. NOWAK

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N44°25'48"W	25.14'
L2	N01°08'32"E	18.00'
L3	N01°08'32"E	12.00'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	31.01'	20.00'	88°51'01"	28.00'	N44°25'57"W

J-U-B ENGINEERS, INC.
TWIN FALLS, IDAHO 60-17-058_FP1
LAST UPDATED:8/5/2016

SHEET 1 OF 3

F:\PROJECTS\JJB60-17\56 VISSER BUILDING CO - CARRIAGE ADDISON\CAD\B-ETA\PLAT\INCH\60-17-058_FP1.DWG Plot Date:8/6/2018 3:27 PM Plotted By: Scott Allen Date Created:8/6/2018

CERTIFICATE OF OWNER

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED ARE THE OWNERS OR REPRESENTATIVES OF THE OWNERS, IN FEE SIMPLE, OF THE REAL PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WITHIN A PORTION OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ¼ CORNER OF SECTION 11, BEING A BRASS CAP, PROCEED SOUTH 88°51'28" EAST, 672.53 FEET, ALONG THE SOUTHERLY BOUNDARY OF SAID SECTION 11, THENCE NORTH 0°6'19" WEST, 40.01 FEET, TO THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD (ADDISON AVENUE), MARKED BY A ⅝" REBAR BY E.H.M., BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 88°51'28" WEST, 471.66 FEET, ALONG THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD TO A ⅝" REBAR BY PLS 7048;

THENCE NORTH 01°08'32" EAST, 18.00 FEET, ALONG THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD TO A ⅝" REBAR BY PLS 7048;

THENCE NORTH 88°51'28" WEST, 144.55 FEET, ALONG THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD TO A ⅝" REBAR BY PLS 7048

THENCE 31.01 FEET, ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 20.00 FEET, A DELTA OF 88°51'01", A TANGENT OF 19.60 FEET, AND A CHORD LENGTH OF 28.00 FEET THAT BEARS NORTH 44°25'57" WEST TO A ⅝" REBAR BY PLS 7048

THENCE NORTH 00°00'27" WEST, 822.34 FEET, ALONG THE EASTERLY RIGHT OF WAY OF CARRIAGE LANE, TO A ⅝" REBAR WITH AN ILLEGIBLE CAP;

THENCE SOUTH 88°51'45" EAST, 633.98 FEET, ALONG THE NORTHERLY BOUNDARY OF THE FARNHAM/GRABOWSKI PARCEL TO A ⅝" REBAR WITH NO CAP

THENCE SOUTH 00°08'19" EAST, 860.03 FEET, TO THE TRUE POINT OF BEGINNING, CONTAINING 12.46 ACRES MORE OR LESS.

BASIS OF BEARINGS IS SOUTH 88°51'28" EAST BETWEEN SOUTH ¼ CORNER OF SECTION 11 AND THE SOUTHEAST CORNER OF SAID SECTION 11, BEING THE SAME BASIS OF BEARING AS CEDAR PARK SUBDIVISION NO. 1.

IT IS THE INTENTION OF THE UNDERSIGNED TO, AND THEY DO, HEREBY INCLUDE SAID LAND IN THIS PLAT. THAT THE UNDERSIGNED BY THESE PRESENTS DEDICATE TO THE PUBLIC USE FOREVER THE ROAD RIGHTS OF WAY AS SHOWN ON THIS PLAT. THE EASEMENTS INDICATED ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES DESIGNATED ON THIS PLAT. NO STRUCTURE OTHER THAN FOR SUCH UTILITY AND OTHER DESIGNATED PUBLIC USES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS.

PURSUANT TO IDAHO CODE 50-1334, I, THE UNDERSIGNED, AS OWNER, DO HEREBY STATE THAT THE LOTS ON THIS PLAT ARE ELIGIBLE TO RECEIVE DOMESTIC WATER SERVICE FROM THE CITY OF TWIN FALLS MUNICIPAL WATER SYSTEM.

PURSUANT TO IDAHO CODE 31-3805, I, THE UNDERSIGNED, AS OWNER, DO HEREBY STATE THAT THE IRRIGATION WATER RIGHTS APPURTENANT AND THE ASSESSMENT OBLIGATION OF THE LANDS IN THIS PLAT HAVE BEEN TRANSFERRED FROM SAID LANDS. THE LOTS WITHIN THE SUBDIVISION WILL NOT BE ENTITLED TO ANY IRRIGATION WATER RIGHTS AND WILL NOT BE OBLIGATED FOR ASSESSMENTS FROM ANY IRRIGATION DISTRICT AND/OR CANAL COMPANY.

IN WITNESS WHEREOF, I HAVE SET MY HAND THIS _____ DAY OF _____ 201__

_____
THAD FARNHAM

_____
ANETTE FARNHAM

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS _____ DAY OF _____, 201__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED THAD FARNHAM AND ANETTE FARNHAM AND ACKNOWLEDGED TO ME THEY EXECUTED THE ABOVE CERTIFICATE OF OWNER.

_____
NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES_____RESIDING AT TWIN FALLS, IDAHO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ADDISON SPRINGS SUBDIVISION A ZDA WERE RECORDED AS INSTRUMENT NO. _____ IN THE MISCELLANEOUS RECORDS OF TWIN FALLS COUNTY, IDAHO ON THE ____ DAY OF _____, 201__.

_____
ROBERT C. GRABOWSKI

_____
BARBARA GRABOWSKI

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS _____ DAY OF _____, 201__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ROBERT C. GRABOWSKI AND BARBARA GRABOWSKI AND ACKNOWLEDGED TO ME THEY EXECUTED THE ABOVE CERTIFICATE OF OWNER.

_____
NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES_____RESIDING AT TWIN FALLS, IDAHO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ADDISON SPRINGS SUBDIVISION A ZDA WERE RECORDED AS INSTRUMENT NO. _____ IN THE MISCELLANEOUS RECORDS OF TWIN FALLS COUNTY, IDAHO ON THE ____ DAY OF _____, 201__.

ADDISON SPRINGS SUBDIVISION A ZDA

J-U-B ENGINEERS, INC.
TWIN FALLS, IDAHO 60-17-058_FP2
LAST UPDATED:8/6/2018

CERTIFICATE OF SURVEYOR

I, BERT J. NOWAK, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT ADDISON SPRINGS SUBDIVISION A ZDA AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

PROFESSIONAL LAND SURVEYOR REGISTERED 8077 STATE OF IDAHO BERT J. NOWAK

BERT J. NOWAK

CERTIFICATE OF COUNTY SURVEYOR

I, _____, A LICENSED PROFESSIONAL LAND SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, DO HEREBY STATE THAT I HAVE CHECKED THE PLAT OF ADDISON SPRINGS SUBDIVISION A ZDA AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

COUNTY SURVEYOR DATE

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS _____ DAY OF _____, 201__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____ KNOWN OR IDENTIFIED TO ME TO BE THE ACTING COUNTY SURVEYOR FOR TWIN FALLS COUNTY, IDAHO THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF SAID COUNTY.

NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES_____RESIDING AT TWIN FALLS, IDAHO

APPROVAL OF CITY ENGINEER

I HAVE REVIEWED THE ACCOMPANYING PLAT AND HEREBY CERTIFY THAT IT CONFORMS WITH THE APPLICABLE ORDINANCES OF THE CITY OF TWIN FALLS, IDAHO.

CITY ENGINEER ATTEST

APPROVAL OF CITY COUNCIL

ACCEPTED BY THE CITY COUNCIL OF TWIN FALLS, IDAHO AT THEIR MEETING ON THE ____ DAY OF _____ 201__.

MAYOR CITY CLERK

CERTIFICATE OF COUNTY TREASURER

I, _____, COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO PER THE REQUIREMENTS OF IDAHO CODE 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY.

COUNTY TREASURER DATE

COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. _____

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF THAD FARNHAM, ANETTE FARNHAM, ROBERT C. GRABOWSKI AND BARBARA GRABOWSKI AT _____ MINUTES PAST _____ O'CLOCK, ___M., THIS _____ DAY OF _____, 201__, IN MY OFFICE AND WAS DULY RECORDED IN BOOK _____ OF PLATS AT PAGES _____ AND _____

DEPUTY EX-OFFICIO RECORDER

ADDISON SPRINGS SUBDIVISION
A ZDA

J-U-B ENGINEERS, INC.
TWIN FALLS, IDAHO 60-17-058_FP3
LAST UPDATED:8/6/2018

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: 2019 Canyon Springs Grade Roadway Project Update and request to authorize staff to negotiate directly with a general contractor on the open market.

Time Estimate:

Staff estimates 5 minutes to explain the history.

Background:

Staff has been working on the second portion of the Canyon Springs Grade project which includes reconstructing the existing roadway. Staff worked with JUB Engineers on the design and bid documents. On May 23rd the bidding was closed and staff did not receive one bid for the project. This open bidding process met State statues 67-2309, but since a bid wasn't provided, staff now recommends council authorize staff to negotiate directly with a general contractor on the open market.

Approval Process:

A majority vote of the council, authorizing staff to negotiate directly with a contractor due to lack of bids received.

Budget Impact:

This decision has no value attached to it. The awarding of a future contract will come before council later for a decision that will include the financial impacts.

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends council authorize staff to enter the open market and directly negotiate with general contractors to obtain a bid for the Canyon Springs Roadway reconstruction project.

Attachments:

None

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Steve O'Connor, City Planner

ACTION ITEM

Request:

ACTION ITEM: Request for Annexation with a current zoning designation of M-2 for property located at 305 Hankins Road South on behalf of Maria P. Silva. (PZ19-0029)

Time Estimate:

Approximately 15 minutes between Staff and the Applicant.

Background:

On May 14th, 2019 the Planning & Zoning Commission voted unanimously to recommend M-2 zoning for the proposed annexation.

Approval Process:

§10-15-2: Annexation

The Commission shall conduct at least one public hearing, to send a recommendation to City Council for the proposed plan and zoning designation, in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Budget Impact:

Minimal increase to City Tax Revenue after annexation is complete.

Regulatory Impact:

Annexation of this property will affect the regulations by which this property is enforced. It will, if annexed, fall under all regulatory codes and policies of the City of Twin Falls, not just Title 10 Zoning Codes.

History:

There is limited official history on this property other than County property records show the property was developed as of 2002.

Analysis:

This is a request to annex approximately 1.65 acres of property located at 305 Hankins Road South. There is no request to change the zoning of M-2, the Heavy Manufacturing district. The applicant wishes to annex to gain access to city water and sewer services. The property shares an access point off Hankins. However, they wish to change the access point directly off of Highland Avenue East along the south side of the property.

Conclusion:

The Council is tasked with denying the request, approving the request as presented, request a different zoning designation, or request additional information be provided.

Attachments:

1. PZ19-0029 ANX Staff Report
2. 1 - Vicinity

3. 2 - Narrative
4. 3 - Photos
5. 4 - 05-14-19 Minutes

Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Steve O'Connor, City Planner
Request: **Annexation** with a current zoning designation of M-2 for property located at 305 Hankins Road South.
Application: PZ19-0029
Applicant:
Maria Silva
c/o Mary Faria
2450 E 3769 N
Twin Falls, ID 83301
208.944.4336
fariadairy@gmail.com

Public Hearing: June 11th, 2019

Analysis

This is a request to annex approximately 1.65 acres of property located at 305 Hankins Road South. There is no request to change the zoning of M-2, the Heavy Manufacturing district. The applicant wishes to annex to gain access to city water and sewer services. The property shares an access point off Hankins. However, they wish to change the access point directly off of Highland Avenue East along the south side of the property.

On May 14th, 2019, The Planning & Zoning Commission voted unanimously to recommend approval for M-2 zoning for the proposed annexation.

Approval Process

§10-15-2: Annexation

The Commission shall conduct at least one public hearing, to send a recommendation to City Council for the proposed plan and zoning designation, in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Regulatory Impact:

Annexation of this property will affect the regulations by which this property is enforced. It will, if annexed, fall under all regulatory policies of the City of Twin Falls and not just Title 10, as with property in the Area of Impact.

History

There is limited official history on this property other than County property records show the property was developed as of 2002.

Applicable Regulations or Codes

City Code 10-4-10: M-2 Heavy Manufacturing District
City Code 10-15: Annexation Process

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Industrial." City Staff has determined this request complies with the 2016 comprehensive plan, as the property is currently zoned and utilized for industrial uses.

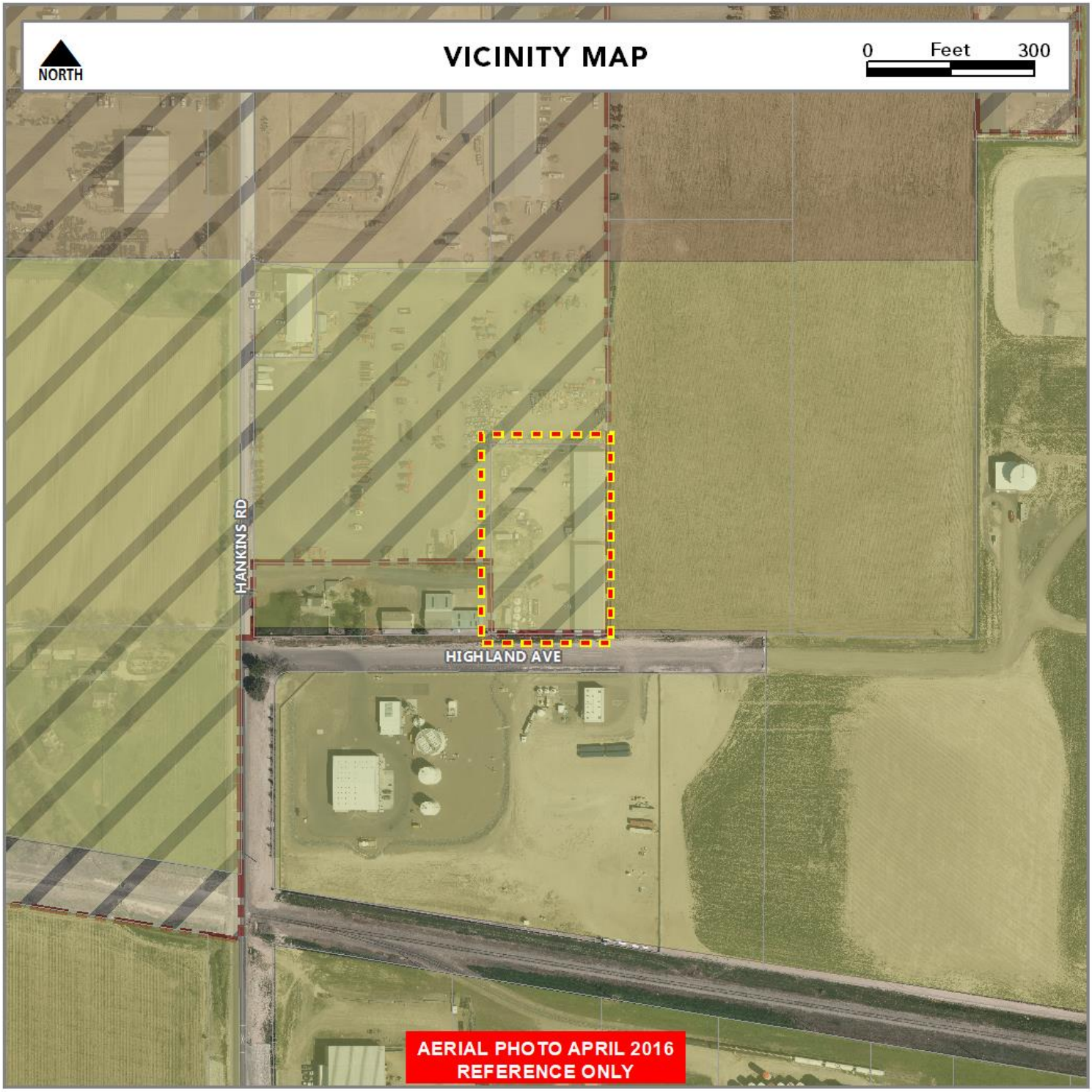
Conclusion

The Council is tasked with denying the request, approving the request as presented, request a different zoning designation, or request additional information be provided.

Attachments

1. Narrative
2. Vicinity Map
3. Photos
4. 5-14-19 P&Z Minutes

Public Hearing: June 11th, 2019



C-1 M-2 AOI

Current Zoning: M-2 **Existing Land Use:** Industrial
Comprehensive Plan: Industrial **Proposed Land Use:** No Change

Surrounding Zoning Designations & Land Use(s)

North: M-2; AOI; Commercial **East:** M-2; Commercial & Residential
South: Highland Ave E; M-2; Industrial **West:** M-2; Agriculture

Applicable Regulations

10-1-4, 10-1-5, 10-4-10, 10-15

3/26/19

City of Twin Falls

i. The reason for this request to to have our property annexed to the City of Twin Falls. We wish to have access to city water + sewer.

ii Our property is contiguous to city property.

iii We will continue to use the property for Commercial businesses with existing buildings.

SW Corner Looking NE

NW Corner Looking SE

Twin Falls Planning & Zoning Commission
Minutes

Tuesday, May 14, 2019, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -
City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez
Area of Impact: Ryan Higley; David Detweiler

1) **Confirmation of Quorum/Call Meeting to Order**
Chairperson Titus called the meeting to order at 6:00 pm
A quorum was present.

Members present: Titus, Hansen, Bolton, Kelley, Musser, Perez, Detweiler, Hawkins
Staff present: Spendlove, O'Connor, Cherry, Vitek, Nope, Ebersole

2) **Consent Calendar**
Commissioner Hansen made a motion to approve the consent calendar, as presented. Commissioner Hawkins seconded the motion.

Unanimously Approved

a) Approval of Minutes from the following meeting: May 1, 2019

3) **Public Hearings**

a) Request for Annexation with a current zoning designation of M-2 for property located at 305 Hankins Road South on behalf of Maria P. Silva. (PZ19-0029)

Staff Presentation:
City Planner O'Connor presented the request for Annexation with a current zoning designation of M-2 for property located at 305 Hankins Road South on behalf of Maria P. Silva. (PZ19-0029)

§10-15-2: Annexation
The Commission shall conduct at least one public hearing, to send a recommendation to City Council for the proposed plan and zoning designation, in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

There is limited official history on this property other than County property records show the property was developed as of 2002.

This is a request to annex approximately 1.65 acres of property located at 305 Hankins Road South. There is no request to change the zoning of M-2, the Heavy Manufacturing district. The applicant wishes to annex to gain access to city water and sewer services. The property shares an access point off Hankins. However, they wish to change the access point directly off of Highland Avenue East along the south side of the property.

The Commission is tasked to make a recommendation to the City Council on the zoning designation being requested by the applicant. The Commission's recommendation may be to deny the request, approve the request as presented, request a different zoning designation or request additional information be provided.

Applicant Presentation:
Kevin Faria, applicant's representative, presented the request for annexation.

PZ/Questions & Comments:

- Commissioner Bolton asked staff which parcels in the area are already annexed.
- City Planner O'Connor pointed out on the map which properties are in city limits and which are in the area of impact.
- Commissioner Detweiler asked if there is a business on the property now.
- City Planner O'Connor stated he believes there are a few businesses on the property now.
- Commissioner Kelley asked for clarification on the property to the west, is it city limits.
- City Planner O'Connor clarified the property is in city limits.

Public Hearing: Opened and Closed without comment

Discussions Followed:

- Commissioner Detweiler asked if the city has issues hooking the property up to sewer/water lines.
- City Planner O'Connor stated there are no issues.

MOTION:
Commissioner Bolton made a motion to recommend approval to City Council for the zoning of M-2 for the property located at 305 Hankins Road South on behalf of Maria P. Silva. (PZ19-0029) Commissioner Hawkins seconded the motion.

Unanimously approved

b) Request for a Special Use Permit to allow a facility with drive-through service on property located at the 100 block of Eastland Drive on behalf of Java Properties, LLC c/o EHM Engineers, Inc. (PZ19-0031)

Staff Presentation:
City Planner Brock Cherry presented the request for a Special Use Permit to allow a facility with drive-through service with extended retail hours on property located at the 100 block of Eastland Drive on behalf of Java Properties, LLC c/o EHM Engineers, Inc. (PZ19-0031)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within six (6) months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.
Per County records the primary building (movie theater) on the subject property was built in 1969.

On December 13, 2016 a special use permit (#1417) was granted to allow the establishment of an automobile dealership.

On May 8, 2018 the special use permit (#1417) to allow an automobile dealership was reactivated.

This is a request for a Special Use Permit to allow a drive through facility and extended retail hours on property located at the 100 Block of Eastland Drive. The subject property is located in the C-1 Zoning District. The C-1 Zone requires a special use permit (SUP) for drive through services.

The proposed drive through will be used to facilitate the delivery of food and beverage to customers. The proposed drive through provides approximately six (6) stacking

spaces before the first stopping point and an escape lane which is nine feet (9') wide. It is anticipated that the drive-through will service one (1) to six (6) cars at a time.

The drive through will be operated from 5:00 A.M. to 11:00 P.M. Monday through Sunday. Two (2) to four (4) employees will be on the premises during operation.

If the Commission approves this request as presented, then staff recommends the following conditions:
1. Subject to site plan amendments as required by City Code Standards.
2. Subject to the elimination of restroom fixtures in order to provide sufficient water flow for the proposed use. Consideration will be given for eliminated fixtures and reapplied to the new development at a rate determined by the City Engineering Department.

Applicant Presentation
Dave Thibault, EHM Engineers, representing applicant, presented the request for the SUP for the drive through and extended retail hours on property located at the 100 block of Eastland Drive on behalf of Java Properties, LLC c/o EHM Engineers, Inc. He outlined the vehicle stacking for the drive thru. He stated the applicant is in agreement with staff recommendations. He addressed the existing fixtures and stated they are willing to trade fixture for fixture.

PZ/Questions & Comments:

- Commissioner Bolton asked if the bank building will be demolished.
- Mr. Thibault clarified that the bank property is not included in the request.
- Commissioner Detweiler asked how the traffic flow issues are being addressed.
- Mr. Thibault stated there is access to the property from Kimberly Rd. and Eastland Dr. further to north. He stated he does not foresee any traffic flow issues.
- Commissioner Musser asked if the SUP for the car dealership is still in place.
- City Planner Cherry stated the car dealership SUP is still in place. This SUP includes drive thru and extended hours.
- Commissioner Musser asked if this request is from the owner of the dealership.
- Mr. Thibault stated the applicant is the owner of whole property.
- Commissioner Musser asked if gateway arterial landscaping requirement is still in place.
- City Planner Cherry stated yes, the landscaping requirement is still in place.

Public Hearing: Opened and Closed without comment

Discussions Followed: without concerns

MOTION:
Craig Kelley moved to approve the request for a Special Use Permit to allow a facility with drive-through service and extended hours on property located at the 100 block of Eastland Drive on behalf of Java Properties, LLC c/o EHM Engineers, Inc. (PZ19-0031). Ed Musser seconded the motion.

Unanimously approved

c) Request for a Special Use Permit to allow a facility with drive-through service on property located at 708 Blue Lakes Blvd. N on behalf on Java Properties, LLC c/o EHM Engineers, Inc.. (PZ19-0032)

Staff Presentation:
Brock Cherry, City Planner, presented the Request for a Special Use Permit to allow a facility with drive-through service and extended hour on property located at 708 Blue Lakes Blvd. N on behalf on Java Properties, LLC c/o EHM Engineers, Inc.. (PZ19-0032) The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal. Java Espress (the applicant) currently occupies and operates a drive-thru coffee shop on the property.

This is a request to allow a drive through facility and extended retail hours at 708 Blue Lakes Boulevard North. The subject property is located in the C-1 Zoning District. The C-1 Zone requires a special use permit (SUP) for drive-through services.

The existing building on the subject property will be demolished and a new drive through facility will be constructed.

The proposed drive through will be used to facilitate the delivery of food and beverage to customers. The proposed drive-through provides approximately eight (8) stacking spaces before the first stopping point and an escape lane which is nine feet (9') wide.

The drive through will be operated from 5:00 A.M. to 11:00 P.M. Monday through Sunday. Two (2) to four (4) employees will be present during operation. It is anticipated that the drive-through will service one (1) to six (6) cars at a time.

If the Commission approves this request as presented, then staff recommends the following conditions:
1. Subject to site plan amendments as required by City Code Standards.

Applicant Presentation:
Dave Thibault, EHM Engineers, representing applicant, presented the request for the SUP. The property is a C1 commercial zoned property along the Blue Lakes corridor. The plan is to demolish the existing buildings and rebuild a new facility. The stacking is 8 vehicles in the drive through lane. He stated there is a private approach and there will be an improved function and a great improvement.

PZ/Questions & Comments:

- Commissioner Musser asked if there is a concern with vehicle stacking issues.
- Mr. Thibault stated he has observed the traffic flow at the current facility. The flow depends on peak hours/current customers. He stated there is not a lot of flexibility with this location, but they have added significantly more parking spots to accommodate any overflow.
- Commissioner Detweiler asked if there is a current coffee shop at that location.
- Mr. Thibault pointed out on the map that there is a small shop at the north of property.
- Commissioner Detweiler asked if there is an SUP for the current location.
- City Planner Cherry stated there is no SUP for the current location, as it is a legal non-conforming building.
- Chairperson Titus asked if both existing buildings are to be demolished.
- Mr. Thibault stated both buildings will be demolished.
- Chairperson Titus asked about landscaping, curb, gutter, and sidewalk requirements.
- City Planner Cherry stated because this is a new building, new requirements kick in. The curb, gutter and sidewalk currently exist.
- Commissioner Musser asked about issues with left turns onto Blue Lakes Blvd.
- Mr. Thibault stated the current intersection now allows for a left turn and is

signal controlled.

Public Hearing: Opened

- Citizen, Charles Collins, is looking forward to the building improvement, but is concerned about the intersection at Spruce St. and Blue Lakes Blvd. and the difficulty to get across the street.

Public Hearing: Closed

Discussions Followed:

- Commissioner Bolton asked if any traffic studies have been done in the area.
- PZ Director Spendlove stated applicant did not submit a traffic study. He stated the intersection on Blue Lakes Blvd. will most likely be used to access property.
- Assistant Engineer Vitek stated there is no easement there, and it isn't typical to have an intersection at private property.
- Chairperson Titus stated it is an improvement, and can see no further impact as it already exists.
- Commissioner Kelley stated the existing signal provides better traffic flow.
- Commissioner Bolton stated the new building is a substantial improvement.

MOTION:
Commissioner Hansen moved to approve the request for a Special Use Permit to allow a facility with drive-through service on property located at 708 Blue Lakes Blvd N on behalf on Java Properties, LLC c/o EHM Engineers, Inc. (PZ19-0032)
Commissioner Detweiler seconded the motion.

Unanimously approved

4) Upcoming Meeting(s)

a) **Worksession - Wednesday, June 5, 2019 - 12:00 pm**
PZ Director Spendlove stated there will be training by the police department and a code rewrite update with the consultant.

b) Tuesday, June 11, 2019 - 6:00 p.m.

5) **Adjournment**

The meeting adjourned at 6:43 pm.

_____

Kelli Ebersole, Administrative Assistant

Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Brock Cherry, Planner, City Planner

ACTION ITEM

Request:

ACTION ITEM: Request for a Special Use Permit to allow professional and medical offices at prolperty located at 1502 Locust St. N, Bldg. 600 in the Eastpark Professional Subdivision No. c/o EHM Engineers, Inc. on behalf of Temple View Properties, LLC. (PZ19-0049)

Time Estimate:

Five (5) minutes for Staff and Applicant presentation; Five (5) minutes for Council questions, deliberation, and decision.

Background:

NA

Approval Process:

Per the Eastpark #213 PUD, Any non-residential use within the PUD will be subject to a special use permit by City Council.

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

City Council shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by Council, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

Budget Impact:

N/A

Regulatory Impact:

NA

History:

Per City Records the Eastpark #213 PUD was established and recorded in 1998. The subject property is currently undeveloped/vacant. During that PUD process, it was decided that all Special Use Permit requests be directed to the Council instead of the Planning and Zoning Commission.

Analysis:

This is a request for a special use permit to allow a professional service and medical office on property located at 1502 Locust Street North, Building 600. The subject property is located within the R-2 zoning

district, professional office overlay, and the Eastpark #213 Planned Unit Development.

Conclusion:

If the City Council approves this request as presented, then staff recommends the following conditions:

1 - Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Attachments:

1. Staff Report PZ19-0049
2. 1 - Vicinity Map
3. 2 - Narrative
4. 3 - Site Plan
5. 4 - Elevations
6. 5 - Photos
7. 6 - Eastpark #213 PUD
8. 7 - Temple View SUP Exhibit

Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Brock Cherry, City Planner
Request: A Special Use Permit to allow a professional service and medical office on property located at 1502 Locust Street North, Building 600.
Application: PZ19-0049
Applicant & Representative:
Temple View Properties, LLC c/o
Kahler Neild, EHM Engineers Inc.
621 N. College Road, Suite 100
Twin Falls, ID 83301
208-734-4888
knield@ehminc.com

Public Hearing: June 17th 2019

Analysis

This is a request for a special use permit to allow a professional service and medical office on property located at 1502 Locust Street North, Building 600. The subject property is located within the R-2 zoning district, professional office overlay, and the Eastpark #213 Planned Unit Development.

Approval Process

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

City Council shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by Council, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

History

Per City Records the Eastpark #213 PUD was established and recorded in 1998.

The subject property is currently undeveloped/vacant.

Applicable Regulations or Codes

Per the Eastpark #213 PUD, Any non-residential use within the PUD will be subject to a special use permit by City Council.

Per the Eastpark #213 PUD, All professional buildings within the PUD will be limited to a single story.

Per the Eastpark #213 PUD, All buildings will be limited to a maximum of 6,000 square feet.

Per the Eastpark #213 PUD, Metal sided buildings and buildings with exposed unpainted plain concrete block are prohibited. Concrete tilt-up or double-T panels are prohibited unless they have a decorative finish. This does not preclude the use of decorative masonry block or brick or the use of architectural residential metal siding.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Town Neighborhood". Though the town neighborhood designation in primarily intended for residential development Staff recognizes the need for low-impact commercial services available in a reasonable proximity to residents. Further, Staff also recognizes the existing commercial/office buildings already built surrounding the subject property.

Per the 2009 Master Transportation Plan the subject property is in close proximity to both local (Bridgeview Blvd.) and collector (Locust St. N & Cheney Dr.) roadways. Staff has determined that the existing transportation infrastructure will accommodate the proposed use(s).

Potential Impacts

The applicant and staff anticipate impacts similar to those currently created by adjacent commercial/office buildings.

Conclusion

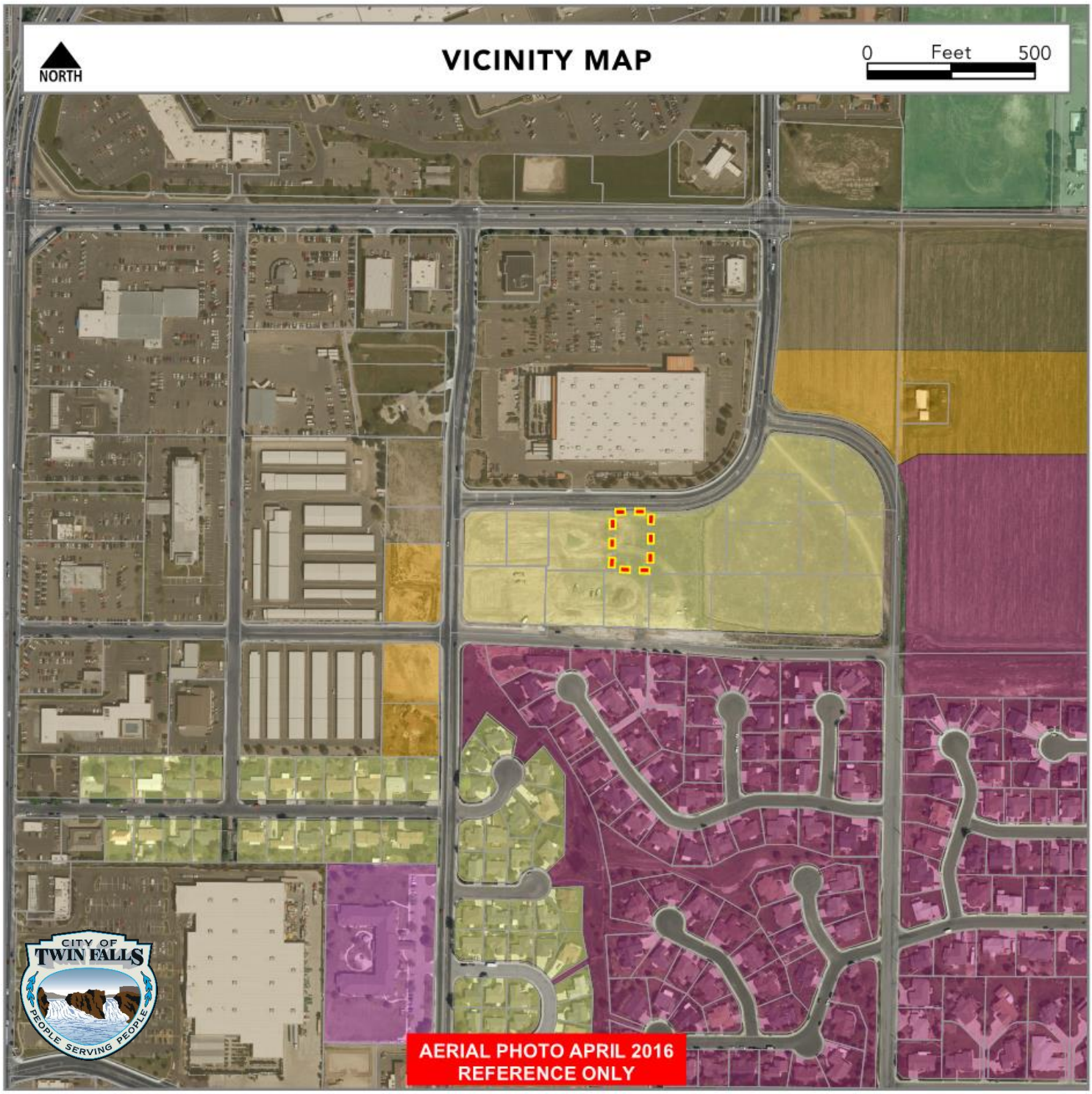
If City Council approves this request as presented, then staff recommends the following conditions.

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Public Hearing: June 17th 2019

Attachments

1. Vicinity Map
2. Narrative
3. Site Plan
4. Elevations
5. Photos
6. Eastpark #213 PUD
7. Temple View SUP Exhibit



C-1	R-4
R-1 VAR	R-6
R-2	SUI

Current Zoning: R-2 PRO PUD
Comprehensive Plan: Town Neighborhood

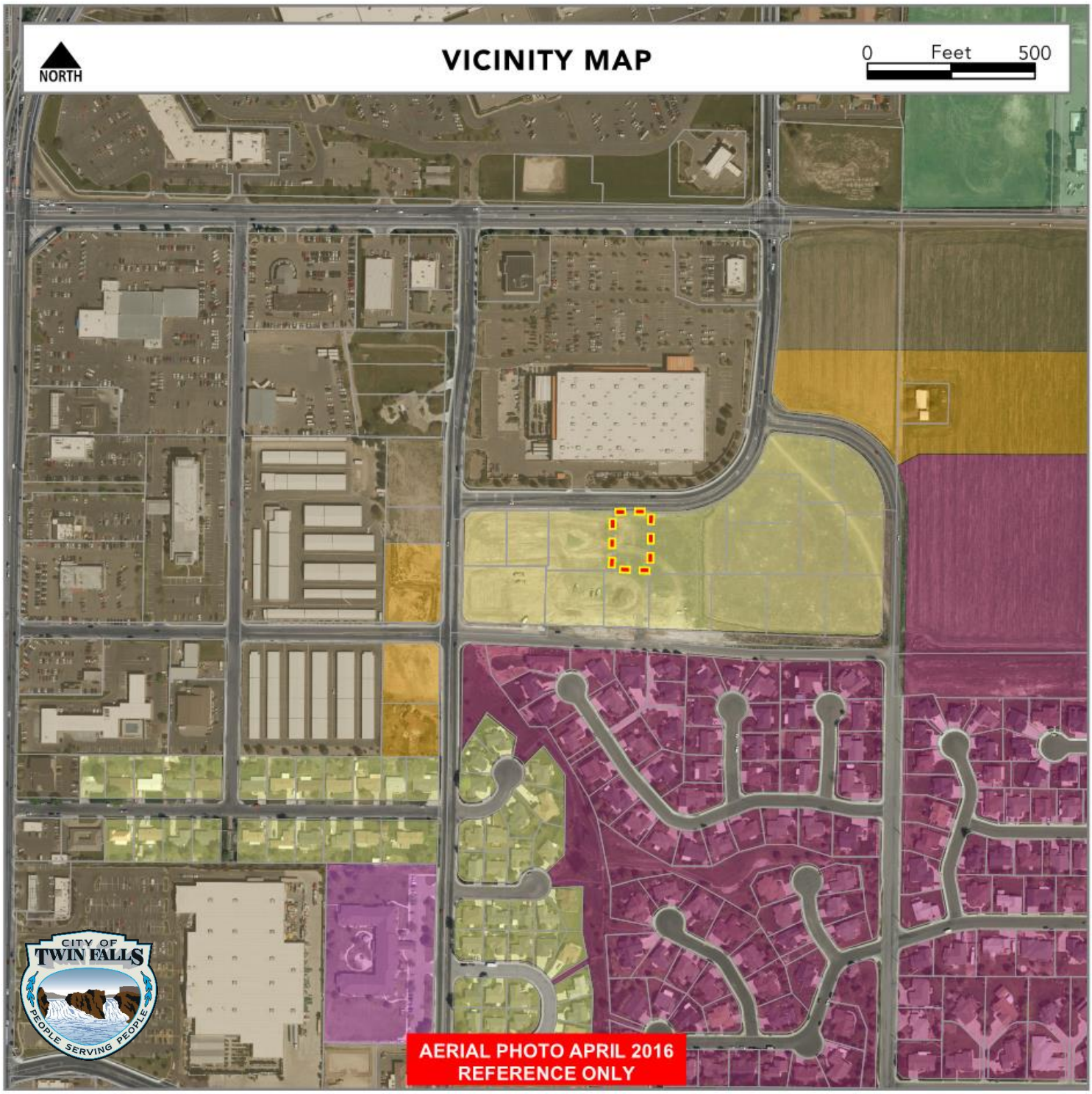
Existing Land Use: Vacant
Proposed Land Use: Professional Office & Doctor's Office

Surrounding Zoning Designations & Land Use(s)

North: C-1, Retail
East: R-2 PRO PUD, Vacant
South: R-2 PRO PUD, Office
West: R-2 PRO PUD, Vacant

Applicable Regulations

10-1-4, 10-1-5, 10-4-8, 10-7-12, 10-10-11, 10-11-1 thru 8, 10-13



C-1	R-4
R-1 VAR	R-6
R-2	SUI

Current Zoning: R-2 PRO PUD
Comprehensive Plan: Town Neighborhood

Existing Land Use: Vacant
Proposed Land Use: Professional Office & Doctor's Office

Surrounding Zoning Designations & Land Use(s)

North: C-1, Retail
East: R-2 PRO PUD, Vacant
South: R-2 PRO PUD, Office
West: R-2 PRO PUD, Vacant

Applicable Regulations

10-1-4, 10-1-5, 10-4-8, 10-7-12, 10-10-11, 10-11-1 thru 8, 10-13

EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE

REASON FOR REQUEST
SPECIAL USE PERMIT

The proposed facility is a one-story facility located on Lot 4, Block 1 of the Eastpark Professional Subdivision No. 2 along Bridgeview Blvd. The facility will be approximately 6,000 square feet of business, professional office space and doctor offices. The building entrance(s) is/are located on the west side of the building and access will be gained internal to the overall development. The parking is located internal, away from Cheney Dr. to minimize impacts to the residential neighborhood.

The facility will operate between the hours of 7 a.m. to 6 p.m. Monday thru Saturday. It is anticipated that the operations and activities associated with the facility will occur within the building and not contribute to area noise, dust, or odors. The facility will have a site specified for refuse dumpsters which will be screened according to City Code.

This request has been prepared to comply with the governing Planned Unit Development Agreement and the plan meets the requirements of that Planned Unit Development Agreement.

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • [208] 734-4888 • Fax [208] 734-6049
3501 W. Elder St., Suite 100 • Boise, Idaho 83705 • [208] 386-9170 • Fax [208] 386-9076

IN THE FIELDS OF:
PLANNING • SURVEYING • HIGHWAYS • WATER • SEWAGE • STRUCTURAL • SUBDIVISIONS • BRIDGES • ENVIRONMENTAL • QUALITY CONTROL • CONSTRUCTION MGMT.

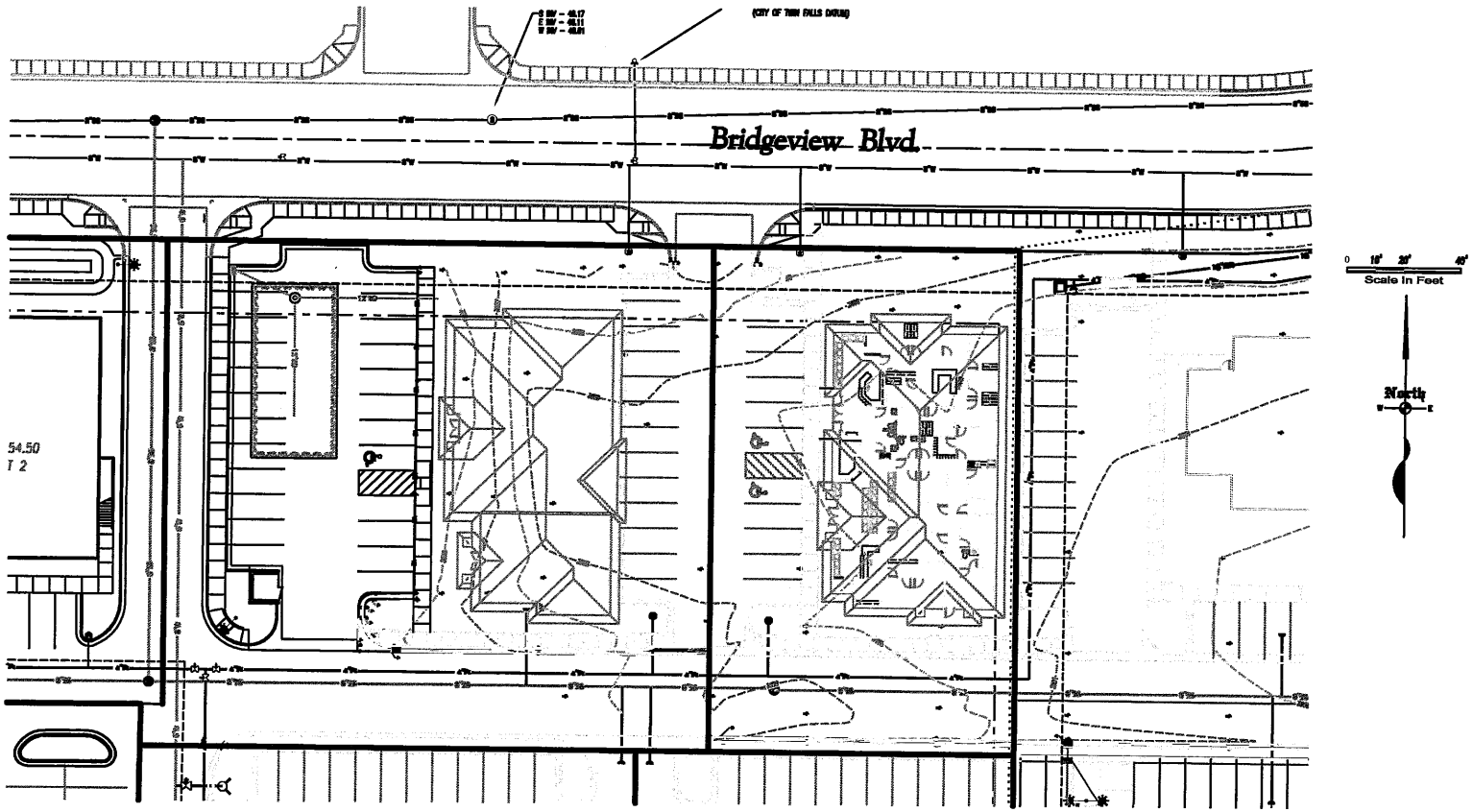
Key Notes:

Parking Summary:

Design Data:

Owner/Developer:	Sample View Properties LLC 1415 Park View Dr. Twin Falls, Id. 83301 (208)734-0834 James Coombs	Engineer:	EHM Engineers, Inc. 621 N. College Rd., Ste 100 Twin Falls, Id. 83301 (208)734-4888 David Nelsonk, P.E.
Bus. Area:			
Zone:	C-1 PUD	Setbacks:	Setbacks shall conform to City of Twin Falls Zoning & Subdivision Regulations
Existing Use:	Vacant		
Proposed Use:	Commercial Office		

Storm Drainage Calculations:

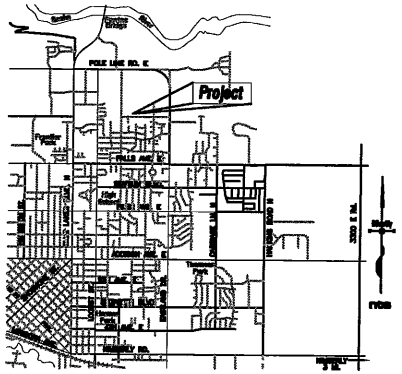


Located In
Lots 3 & 4, Block 1
EASTPARK PROFESSIONAL
SUBDIVISION NO. 2
A Re-subdivision and Re-Numbering of Lot 2,
INTERSTATE AMUSEMENT SUBDIVISION
Located In
Gov't. Lot 3 , Section 3
Township 10 South, Range 17 East, Boise Meridian
Twin Falls County, Idaho
2019

Legend

- Property Boundary Line
- Easement Line
- Water Main & Size
- Sewer Main & Size
- Pressure Irrigation & Size
- Storm Drain & Size
- Fire Hydrant
- Manhole
- Existing Spot Elevation
- Proposed Spot Elevation

Bench Mark:
"B" Bolt on Fire Hydrant 430' E
of Lowell Street North
BM#000-3034 Elevation=3838.005



TWIN FALLS, IDAHO

EHM Engineers Inc.
Engineers / Surveyors / Planners
621 N College Rd., Suite 100 Twin Falls, ID 83301 - (208)734-4888

Site Exhibit
for:
Eastpark Professional
Buildings Locust 1 & 2
Twin Falls, Idaho

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS OF SITE, JOB SITE AND REPORT THE EXISTENCE OF ANY ERRORS, OMISSIONS, CONFLICTS, OR DISCREPANCIES BEFORE PROCEEDING ON FABRICATING ANY WORK.

APPROVED	D. THEMULT
DESIGN	T. MCBRIDE
DRAWN	T. MCBRIDE
DATE	MARCH, 2017
SCALE	AS SHOWN
JOB NO.	082-175P

Sheet C1

Colored Elevations

BBS
RandsLaw
RandsLaw

NE Corner looking SW

NW Corner looking SE

SE Corner looking NW

SW Corner looking NE

PUD 213

EASTPARK PUD

C-1, R-1, R-2 (PRO) & R-4 (PRO) PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this 24th day of April, 1995, by and between the City of Twin Falls, a municipal corporation, State of Idaho (hereinafter called "City), and Zabala Family Trust and Eastpark Partners, (hereinafter called "Developers"), whose address is P.O. Box 1492 Hailey, Idaho 83333 and P. O. Box 492, Twin Falls, Idaho 83303 respectively.

RECITALS

WHEREAS, Zabala Family Trust (hereinafter included in reference to "Owners" or "Developers"), is the equitable title holder to certain tracts of land in the City of Twin Falls, State of Idaho and Eastpark Partners (hereinafter included in reference to "Owners" or "Developers"), also is the equitable title holder to certain other tracts of land in the City of Twin Falls, State of Idaho, all parcels are more particularly described in Exhibits "A" (zoning) and "B" (ownership), and attached hereto. The subject land is bounded by Locust Street North on the West, Pole Line Road on the North, runs East approximately 2640 feet from Locust Street and is bounded by Cheney Drive alignment on the South (hereinafter "Property"); and

WHEREAS, Developers intend to develop and/or sell portions of the Property from time to time; and

WHEREAS, Developers have made request of the City of Twin Falls to develop a portion of the properties as commercial subdivisions, and the balance as one or more residential subdivisions, including portions with professional overlay (Project") and have submitted to the City a master plan thereof which has been approved for development as a "C-1, R-1, R-2(PRO) & R-4 (PRO) PUD" by the City Council of the City; and

WHEREAS, City, by and through its City Council, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement.

Twin Falls County, Idaho
Recorded for:
CITY OF TWIN FALLS
02:22pm Sep.22,1998
1998-017180
No. of Pages: 13 Fee: $39.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: SL

COVENANTS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developer and City agree as follows:

1. **NATURE OF THE AGREEMENT.** This agreement shall become part of the "C-1, R-1, R-2 (PRO) & R-4 (PRO) PUD" zone with respect to the Property upon its full execution and recording. Developer, Owners and their assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

2. **NATURE OF THE DEVELOPMENT.** It is agreed by the parties hereto that certain language and requirements pertaining to the "C-1, R-1, R-2 (PRO) & R-4 (PRO) PUD" zone shall be interpreted as follows:

A. **COMMON AREA AND PROPERTY OWNERS ASSOCIATIONS AND MAINTENANCE.** There is a requirement for common area within the Project. Therefore, there is a requirement for Developer to organize a Property Owners' Association in connection with its development of the Property, which associations are established for the maintenance of common areas. Developer shall have the right to designate common areas in any phase(s) of its development. In the event common areas are so designated, Developer may create an association of those property owners benefiting from said common areas for the purpose of maintaining the same. Except for space explicitly designated as common area, the maintenance responsibility for each parcel and the improvements thereon rests solely with the parcel's owner.

B. **USES.** The use language of the underlying "C-1, R-1, R-2 (PRO) & R-4 (PRO)" zone shall apply with regard to permitted uses, special uses, and prohibited uses on the Property or any portion thereon, as shown on the Master Plan with the following exceptions:

(1) The area of R-2 PRO overlay between Cheney Drive and Bridgeview Boulevard, West of Madrona and East of Locust will be restricted such that all buildings will be constructed using residential style architecture and will have an architectural finish aesthetically pleasing. **All professional buildings in this area will be limited to single story construction. Building design in this area will be regulated by an architectural control committee responsible for enforcement of the restrictive covenants for that area.** All buildings will be limited to a maximum of 6,000 square feet, provided however that within 350' of Locust Street North the maximum building size

shall be increased to 10,000 square feet. **Buildings facing Cheney Drive will be positioned such that all parking will occur north of the building.** Any non-residential use will be subject to a special use permit by the City Council.

That area of C-1 zone running East and the new Bridgeview extension for approximately 1150 feet and **462** feet South of Poleline Road will be restricted to **LIMITED NEIGHBORHOOD BUSINESSES** as follows:

Of the allowed uses in a C-1 Zoning only the following will be allowed outright on this parcel:

General Merchandise
Food and Drugs
Apparel and Accessories
Home Furnishings
Eating Places (no drive thru)
Sporting Goods
Garden Supplies
Bakeries (retail)
Book Stores and Art Shops
Flower Shops
Hobbies and Toy Stores
Ice Cream Stores (no drive thru)
Music Stores
Libraries
Finance and Investment Offices
Insurance and Related Offices
Real Estate and Related Offices
Photography
Beauty and Barber
Professional Offices

TOTAL 20

Desired uses on this portion of the properties East of the new Bridgeview extension not specifically allowed above will require a special use permit.canopy type illumination with the light source shielded from surrounding residential areas.

In addition, in the C-1 zone lying East of the Bridgeview extension, no building may be larger than 20,000 sqyare feet ub suze, nor taller than 28 feet above ground level. All lighting will be canopy type illumination with the light source shielded from surrounding residential areas.

No outdoor public address or music systems will be allowed. Hours of operation for businesses on this parcel shall be limited to between the hours of 7:00 A.M. to 11:00 P.M. on this parcel, except for special sales of a duration not to exceed

one week and holiday seasons. **Parking lot lighting will be designed to dim at 11:00 P.M.**

C. **PHASING OF DEVELOPMENT**. Developer shall be permitted to develop the property in phases. So long as those phases are in compliance with the Master Plan, the PUD Agreement, obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses, and buildings on the Master Plan are conceptual and changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum and a maximum time limit of three years between completion of one phase and commencement of the next phase.

3. **STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.** Developer shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property (hereinafter "Improvements") as described herein in accordance with City Standards.

A. **IMPROVEMENT PLANS**. Developer shall, as to each phase of its development, file or cause to be filed with the city a complete set of plans for that development phase, showing all Improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all improvements shown thereon shall meet with the approval of the City, which approval shall be given if such plans conform with published City requirements.

B. **IMPROVEMENT DESIGN AND CONSTRUCTION**. Developer shall cause to be designed, constructed and installed, in accordance with the approved Improvement Plans and at its expense, all improvements shown on the Improvement Plans. Notwithstanding the foregoing, nothing in this agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.

C. **PHASED CONSTRUCTION.** Developer may install the improvements all at one or in phases. Developer shall provide the City with written notification of when and of what portion, or portions, of said Improvements it intends to complete at the time; and agrees to make such modifications and/or construct any temporary facilities necessitated by such phased construction work as shall be required and approved by the City, which approval shall not be unreasonably withheld.

D. **CONSTRUCTION SUPERVISION.** Developer shall use a qualified construction engineer or supervisor to supervise the construction inspection and testing of the work as necessary,

to ensure that all such Improvements are constructed in accordance with the approved Improvement Plans.

E. **NONCOMPLIANCE.** In the event any of the requirements with regard to the installation of said Improvements are not complied with, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of this receipt of notice (or, in the case of non-compliance that will take in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion). In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within that phase of such "PUD" until such time as all requirements specified in Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph, and shall have the right to be heard as to why such building permits and certificates or occupancy should be issued. The City Council shall then in good faith and in an objective manner decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.

F. **FEES.** Developer shall pay, or cause to be paid, to City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rtes set by applicable City ordinances and resolutions.

G. **DEDICATION OF IMPROVEMENTS.** City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City standards.

4. **PLATS.** Developer agrees to file with City a preliminary plat, prepared by a registered professional engineer, of the real property which is the subject of this agreement. Final plats for phases to be developed shall be submitted specifically identifying and dedication all necessary public easements and those rights-of-way the city agrees to accept herein and in the Standard Developers Agreement. It is agreed that said plats and any amendments thereto must first be approved by City.

5. **INDIVIDUAL PARCEL DEVELOPMENT CRITERIA.** The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 5.

A. **APPROVAL AND CONSTRUCTION**. All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, which drawings and specifications shall first be approved by City and meet City standards, which approval shall not be unreasonably withheld.

B. **BUILDING SETBACKS**. All buildings on lots adjacent to Pole Line Road are to be constructed with a minimum setback of ninety-three feet (93') from the center line of Pole Line Road. All buildings on lots adjacent to Locust Street North, Bridgeview Boulevard, Madrona Street North and Cheney Drive are to be constructed with a minimum setback of sixty feet (60') from the center line of said streets.

C. **LANDSCAPING**. Perimeter landscaping shall be required to be installed on each parcel of the Property with a boundary of Cheney Drive, Locust Street, Madrona Street North, Bridgeview Boulevard or Pole Line Road and in the public rights-of-way adjacent thereto at the right time and planting season for the proposed vegetation. Such landscaped perimeter shall be in stalled from the back of the curb in the public rights-of-way along Pole Line Road, Bridgeview Blvd., Madrona Street North, Cheney Drive and Locust Street North and shall be extended to the dimensions set forth below. The depth of the landscaped perimeter on Pole Line Road shall be a minimum of thirty five feet (35') from the back of the curb or future curb. The depth of the landscaped perimeter on Cheney Drive, Madrona, Locust and the South and East side of Bridgeview shall be a minimum of twenty feet (20') from the back of the curb or future curb. The depth of the landscaped perimeter on the North and West side of Bridgeview running from Locust to the intersection of Bridgeview and Madrona shall be forth feet (40') for lots with commercial usage fronting Bridgeview and twenty feet (20') for lots with processional usage fronting Bridgeview. Each property owner shall maintain the landscaping on its property and in the public right-of-way adjacent thereto. Notwithstanding the foregoing, in the event developer chooses to designate certain landscaped areas and other areas as "common area," developer shall have the right to create an association which shall be responsible for the maintenance of "common area."

D. **LANDSCAPING PLAN**. At the time of development, each parcel fronting Pole Line, Madrona, Cheney or Bridgeview shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming a minimum of thirty inches(30") in height. The landscaped perimeter shall be planted in grass with a minimum of one tree per five hundred square feet of landscaped

area and a minimum of one shrub per one hundred square feet of landscaped area. At least (50%) of the shrubs and trees shall be evergreen. At least (50%) of all trees shall be from the following groups: Austrian pine, green ash and honey locust. (50%) of these are to be mature trees at planting with a height of at least 10 feet. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet when planted. In addition to the foregoing, each individual parcel must also satisfy the landscaping requirements of the underlying "C-1, R-1, R-2 (PRO) or R-4" zone.

E. **DRAINAGE.**

(1) Stormwater from commercial developments shall be retained. Facilities to retain the design of: "50-year, 24-hour rain storm event" shall be designed, constructed, and maintained by the property owner of each lot in the development, unless specific written arrangements are made to share those responsibilities among several lot owners and/or the City.

(2) Stormwater from residential developments shall be detained to limit discharge to downstream drainways. Detention facilities meeting City Code requirements in effect at the time of plat approval shall be designed and constructed by the developer, and maintained by the property owners association of each development, unless specific written arrangements are made to share those responsibilities among individual lot owners and/or the City.

F. **BUILDING STANDARDS**. Buildings and improvements shall comply with the following standards.

(1) **PROHIBITED MATERIALS**. Metal sided buildings and buildings with exposed unpainted plain concrete block are prohibited. Concrete tilt-up or double-T panels are prohibited unless they have a decorative finish. This does not preclude the use of decorative masonry block or brick or the use of architectural residential metal siding.

(2) **OUTSIDE STORAGE AND DISPLAY**. Refuse and outside storage and display areas shall be visibly screened from streets and adjacent properties. All such areas shall be located to the rear of the buildings or to the side of a building, other than street side.

(3) **UTILITIES.** All on-site utility service lines, including electrical lines and telephone lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the

parcel shall be visibly screened from the view from streets, with appropriate screening material.

(4) **PROHIBITED SIGNAGE.** No billboards will be permitted. Signs employing flashing or moving parts shall also be prohibited except that message center signs or time and temperature panels any be approved by the City on a case by case basis. No signs shall encroach over public rights-of-way. Signs painted on building walls and fascias are also prohibited. No exposed raceways, ballast boxes, transformers, or attachment devices are permitted. No roof-mounted signs shall be permitted. On that portion of property East of Bridgeview signs shall be additionally limited to "low profile" and must not exceed 100 square feet maximum and not to exceed ten feet in height. Letters can only illuminate internally. No lighted signage will face South and illuminated individual letters and logo are limited to 16" in height on this portion of the property East of Bridgeview.

G. **CODES.** All construction on the Property shall be to the standards established by applicable codes.

H. **CONTROL DURING DEVELOPMENT OF INDIVIDUAL PARCELS** Developer shall maintain control during development of the Property or any part thereof, through the use of deed restrictions to be recorded setting forth the required development criteria contained herein.

7. **ACCESS TO POLE LINE ROAD.** Developer and subsequent property owners agree to limit the number of accesses between Locust Street North and Bridgeview Boulevard to one (1) and between Bridgeview Boulevard and the East property line to three (3). The location of said approaches shall be as shown on the approved preliminary plat.

8. **ACCESS TO BRIDGEVIEW BOULEVARD.** Developer and subsequent property owners agree to limit the location of accesses from the North-South portion of Bridgeview Boulevard North of its intersection with Madrona to no further South than one hundred sixty feet (160') from Pole Line Road right-of-way lines. Said one hundred sixty feet (160') shall be measured to the center of the approach.

9. **VACATION OF MADRONA STREET NORTH.** Developer and subsequent property owners agree to the vacation of portion of Madrona Street North.

10. **WIDENING OF POLE LINE ROAD.** Developer hereby agrees to convey to the city the area under the developer's control needed for the widening of the Pole Line Road shall be widened at

the developer's expense pursuant to the Standard developer's Agreement, bringing Pole Line Road to a 32' width from centerline, at the time the C-1 portion South of Pole Line Road is developed. Any future widening shall be handled outside the scope of the agreement.

11. **SIGNAL AT POLE LINE AND BRIDGEVIEW.** Developer hereby agrees to pay for engineering and underground construction cost of the signal at this intersection when it is developed.

12. **DEDICATION OF LAND TO CITY.** Developer agrees to set aside a minimum of three acres in the Southeast corner of the 40 acres that lies East of Madrona for open space and will work with the city on the exact location and configuration for public use as a park.

13. **STREET DEVELOPMENT REQUIREMENT.** Developer agrees that the completion of either Locust Street from Cheney Drive to Pole Line Road, or the completion of Bridgeview Blvd. and Locust Street North from Cheney Drive to Pole Line Road, will be completed with the first commercial development of the project.

14. **LOCUST STREET SCREENING.** Developers agrees to create a berm along the West side of Locust Street to the extent possible to screen the J.C. Williams property from automobile headlights.

15. **TIME LIMITATION.** "C-1, R-1, R-2 (PRO) & R-4 (PRO) PUD" zone designation on the property described in Exhibit "A" and "B" attached hereto is expressly conditioned upon submission to the City Council of a final plat of the first phase within one (1) year from the date hereon.

16. **STANDARD DEVELOPER'S AGREEMENT.** It is understood and agreed by the parties hereto that it shall be necessary for Developer or individual owners to execute the City's Standard Developer's Agreements.

17. **GENERAL PROVISIONS.**

A. **COOPERATION.** The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specification, and working drawings required by the City.

B. **ENTIRE AGREEMENT.** This agreement constitutes the entire agreement between the parties concerning the property and improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduced to writing and signed by the parties.

C. **APPLICABLE LAW.** This agreement shall be construed in accordance with the laws of the State of Idaho.

D. **NOTICE.** If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at this address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". On the date of this agreement, the addresses of the parties are as follows:

DEVELOPER:	Zabala Family Trust Attention: Felipe Zabala P.O. Box 1492 Hailey, Idaho 83333
DEVELOPER:	Eastpark Partners Attention: Steve Keim P.O. Box 492 Twin Falls, Idaho 83301
CITY:	City of Twin Falls P.O. Box 1907 321 Second Avenue East Twin Falls, Idaho 83303-1907

E. **SUCCESSORS AND ASSIGNS.** This agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto.

F. **SEVERABILITY.** In the event any portion of this agreement is declared by a court of competent jurisdiction to be invalid, illegal or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereby.

G. **SIGNATORIES.** Each of the persons executing this agreement hereby represent and warrant that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing and that his agreement is binding on, and enforceable against, such entity.

H. **EFFECTIVE DATE.** This "PUD" agreement shall become valid and binding only upon its approval by City, through its City Council, and upon its execution by the Mayor and Developer.

I. **ATTORNEYS FEES.** In the event that either party should be required to retain an attorney because of the default or breach of the other or to pursue any other remedy provided by law, that party which prevails in any litigation shall be entitled to a reasonable attorney's fee.

J. **CONSTRUCTION.** Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

K. **ATTACHMENTS.** All attachments to this Agreement and recitals are incorporated herein and made a part hereof as if set forth in full.

L. **CAPTIONS.** The captions, section and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

CITY OF TWIN FALLS

By: _____

EASTPARK PARTNERS

By: _____

By: _____

ZABALA FAMILY TRUST

By: _____
Trustee

Exhibit "A" (Zoning)

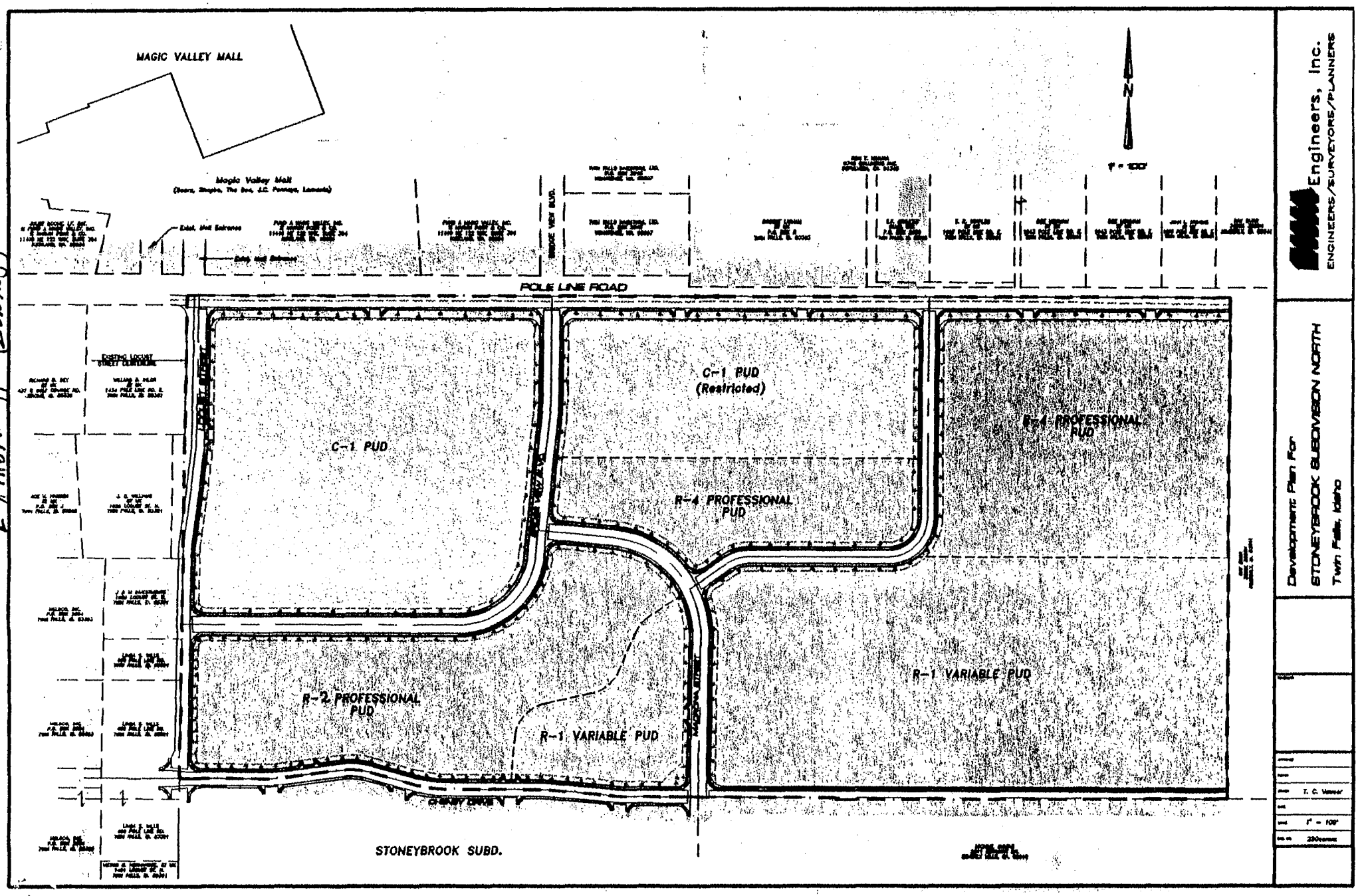
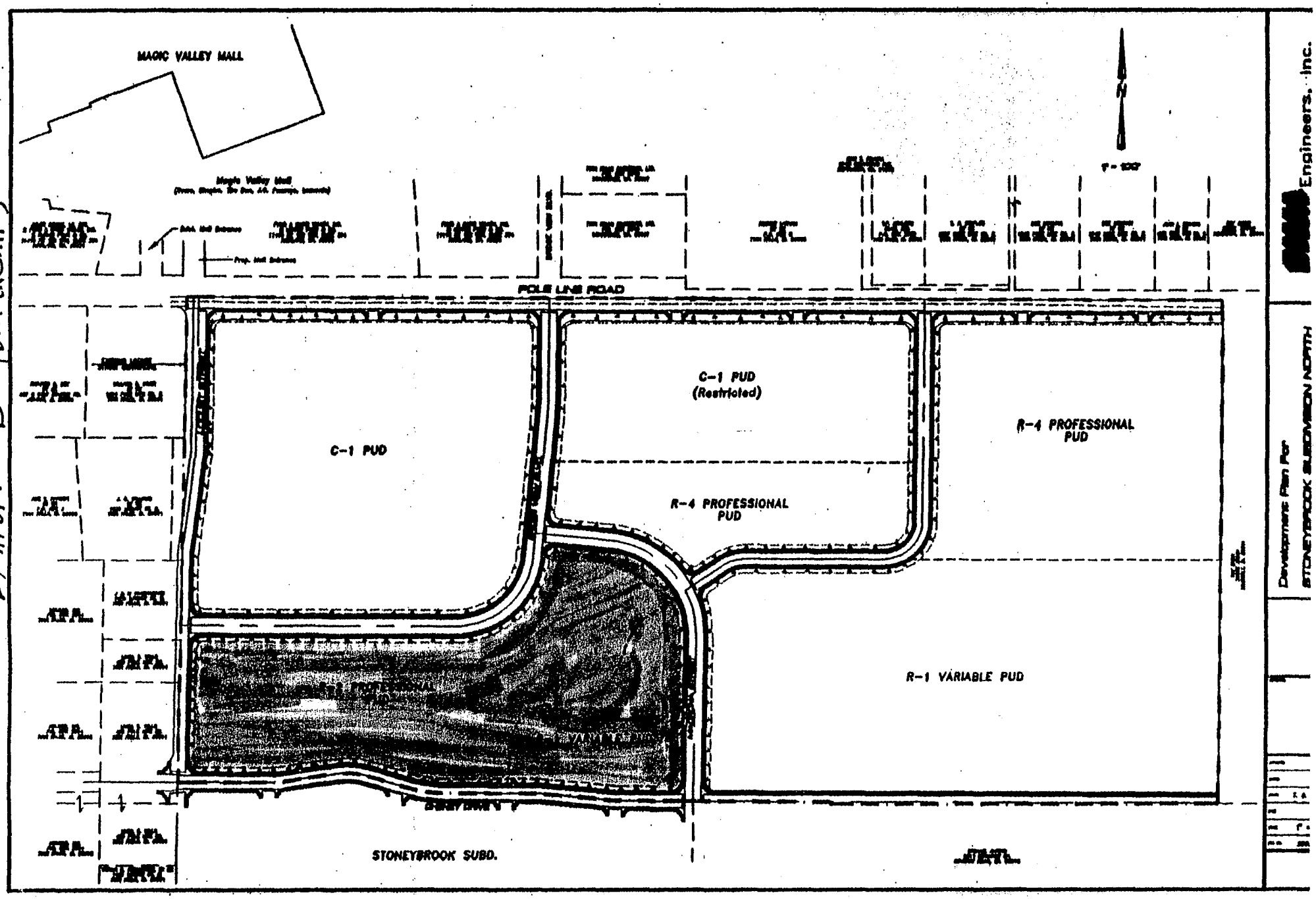
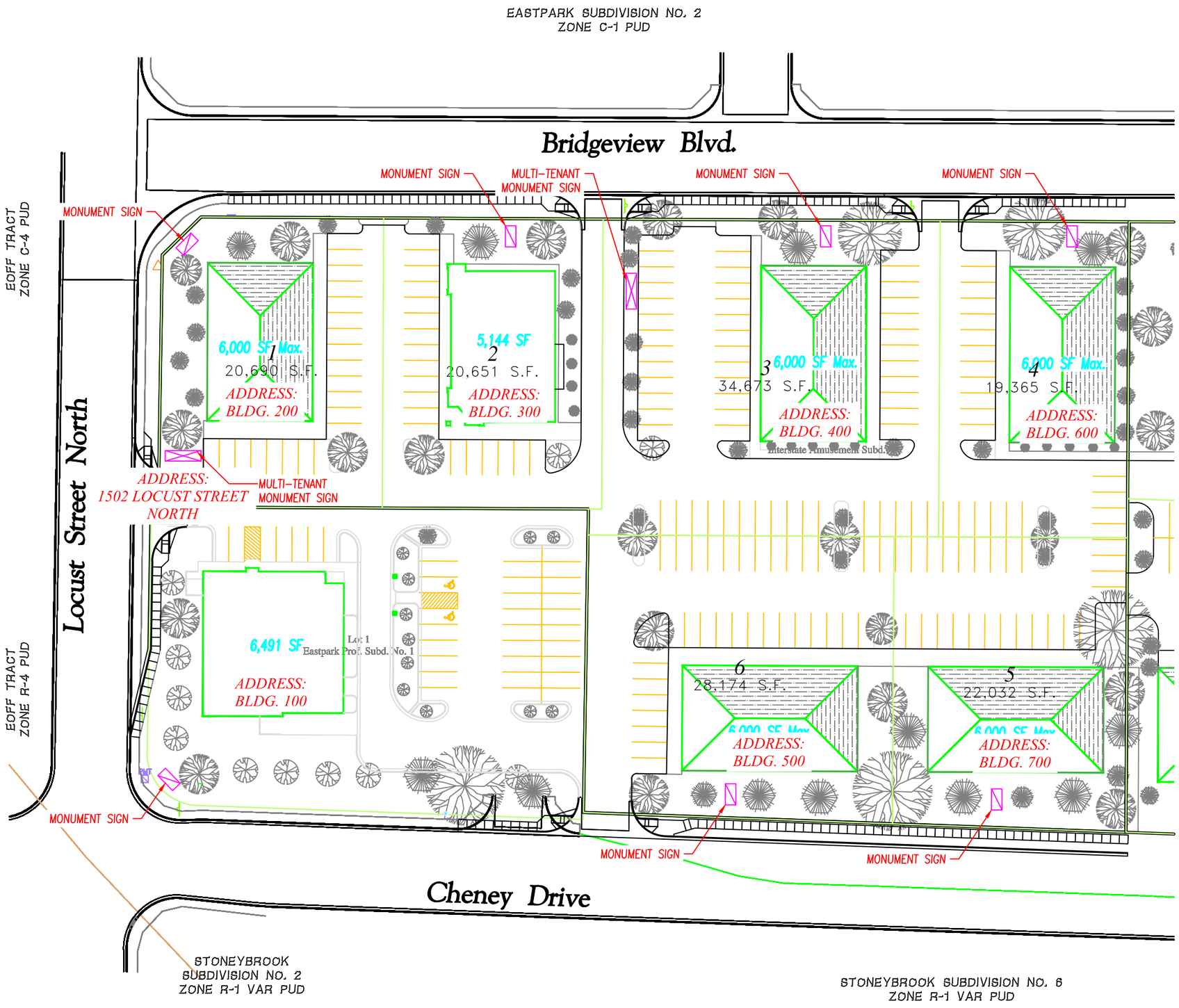


Exhibit "B" (ownership)



Zabala Family TRUST

[redacted] EAST PARK PARTNERS



NORTH

0 30 60 120

SCALE IN FEET

NOTES:
1502 LOCUST STREET NORTH IS THE ADDRESS FOR THE ENTIRE COMPLEX WITH INDIVIDUAL BUILDING NUMBERS.

ALL SIGNAGE SHALL CONFORM TO THE EASTPARK PUD AGREEMENT INCLUDING ANY AMENDMENTS THERETO, INSTRUMENT NO. 1998–017180 AND SUBJECT TO THE FOLLOWING ADDITIONAL RESTRICTIONS:

a. ALL INDIVIDUAL BUILDING MONUMENT SIGNSSHALL NOT EXCEED 8 FOOT IN HEIGHT NOR 50 SQUARE FEET.
b. MULTI–TENANT MONUMENT SIGNS SHALL NOT EXCEED 12 FEET IN HEIGHT NOR EXCEED 100 SQUARE FEET.
c. INDIVIDUAL BUILDING MONUMENT SIGNS ADJACENT TO CHENEY DRIVE SHALL NOT BE INTERNALLY ILLUMINATED.

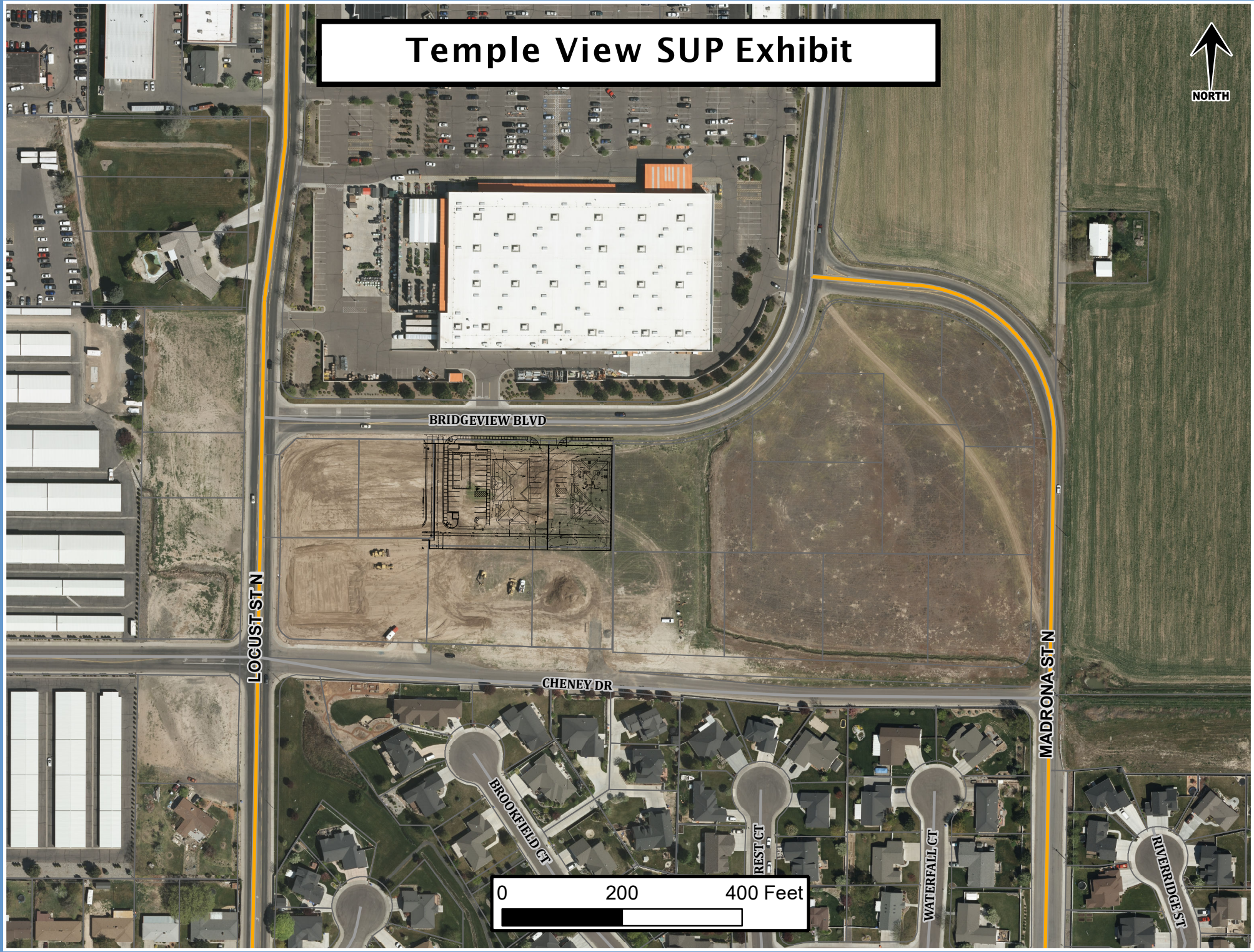
EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE
Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
p (208)-734-4888 fax (208)-734-6049 web: ehminc.com

MASTER SIGNAGE / ADDRESS PLAN
for
EASTPARK PROFESSIONAL SUBDIVISION NO. 1 & NO. 2

JOB NUMBER:	343–14
APPROVED	G.MARTENS
DESIGN	–
DRAWN	V.SMITH
DATE	9–9–16
SCALE	SHOWN
	343–14MDP

Sheet No.: 1

Temple View SUP Exhibit



Date: Monday, June 17, 2019

To: Honorable Mayor and City Council

From: Brock Cherry, Planner, City Planner

ACTION ITEM

Request:

ACTION ITEM: Request for a Special Use Permit to allow professional and medical offices at property located at 1502 Locust St. N., Bldg. 400 in the Eastpark Professional Subdivision No. 2 c/o EHM Engineers, Inc. on behalf of Temple View Properties, LLC (PZ19-0050)

Time Estimate:

Five (5) minutes for Staff and applicant presentation; Five (5) minutes for City Council questions, deliberation, and discussion.

Background:

NA

Approval Process:

Per the Eastpark #213 PUD, Any non-residential use within the PUD will be subject to a special use permit by City Council.

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

City Council shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by City Council, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

Budget Impact:

Regulatory Impact:

NA

History:

Per City Records the Eastpark #213 PUD was established and recorded in 1998. The subject property is currently undeveloped/vacant. During that PUD process, it was decided that all Special Use Permit requests be directed to the Council instead of the Planning and Zoning Commission.

Analysis:

This is a request for a special use permit to allow a professional service and medical office on property located at 1502 Locust Street North, Building 400. The subject property is located within the R-2 zoning

district, professional office overlay, and the Eastpark #213 Planned Unit Development.

Conclusion:

If City Council approves this request as presented, then staff recommends the following conditions:

1 - Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Attachments:

1. Staff Report PZ19-0050
2. 1 - Vicinity Map
3. 2 - Narrative
4. 3 - Site Plan
5. 4 - Elevations
6. 5 - Photos
7. 6 - Eastpark #213 PUD
8. 7 - Temple View SUP Exhibit

Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Brock Cherry, City Planner
Request: A Special Use Permit to allow a professional service and medical office on property located at 1502 Locust Street North, Building 400.
Application: PZ19-0050
Applicant & Representative:
Temple View Properties, LLC c/o
Kahler Neild, EHM Engineers Inc.
621 N. College Road, Suite 100
Twin Falls, ID 83301
208-734-4888
knield@ehminc.com

Public Hearing: June 17th 2019

Analysis

This is a request for a special use permit to allow a professional service and medical office on property located at 1502 Locust Street North, Building 400. The subject property is located within the R-2 zoning district, professional office overlay, and the Eastpark #213 Planned Unit Development.

Approval Process

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

City Council shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by City Council, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

History

Per City Records the Eastpark #213 PUD was established and recorded in 1998.

The subject property is currently undeveloped/vacant.

Applicable Regulations or Codes

Per the Eastpark #213 PUD, Any non-residential use within the PUD will be subject to a special use permit by City Council.

Per the Eastpark #213 PUD, All professional buildings within the PUD will be limited to a single story.

Per the Eastpark #213 PUD, All buildings will be limited to a maximum of 6,000 square feet.

Per the Eastpark #213 PUD, Metal sided buildings and buildings with exposed unpainted plain concrete block are prohibited. Concrete tilt-up or double-T panels are prohibited unless they have a decorative finish. This does not preclude the use of decorative masonry block or brick or the use of architectural residential metal siding.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Town Neighborhood". Though the town neighborhood designation in primarily intended for residential development Staff recognizes the need for low-impact commercial services available in a reasonable proximity to residents. Further, Staff also recognizes the existing commercial/office buildings already built surrounding the subject property.

Per the 2009 Master Transportation Plan the subject property is in close proximity to both local (Bridgeview Blvd.) and collector (Locust St. N & Cheney Dr.) roadways. Staff has determined that the existing transportation infrastructure will accommodate the proposed use(s).

Potential Impacts

The applicant and staff anticipate impacts similar to those currently created by adjacent commercial/office buildings.

Conclusion

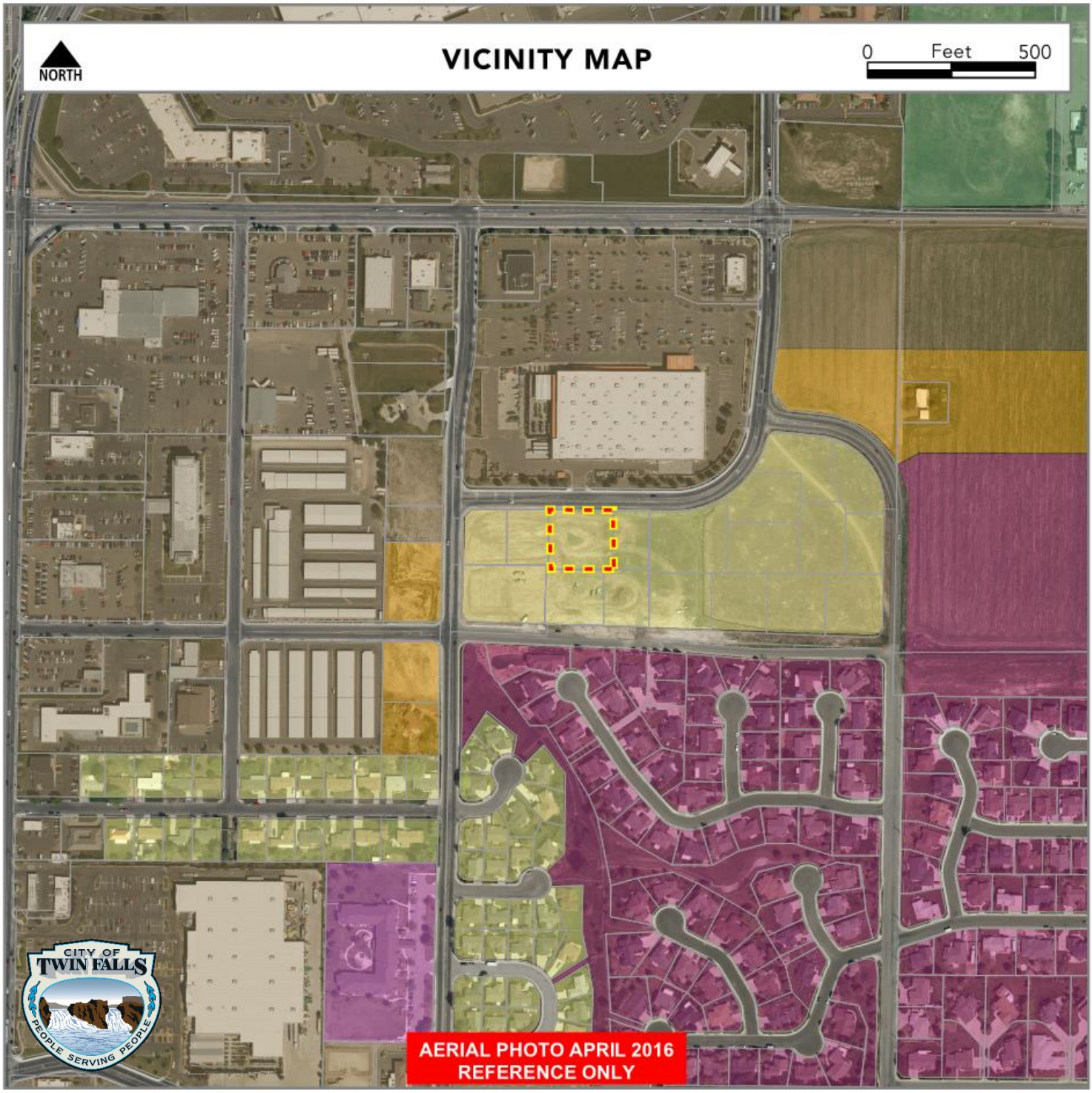
If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Public Hearing: June 17th 2019

Attachments

1. Vicinity Map
2. Narrative
3. Site Plan
4. Elevations
5. Photos
6. Eastpark #213 PUD
7. Temple View SUP Exhibit



C-1	R-4
R-1 VAR	R-6
R-2	SUI

Current Zoning: R-2 PRO PUD
Comprehensive Plan: Town Neighborhood

Existing Land Use: Vacant
Proposed Land Use: Professional Office & Doctor's Office

Surrounding Zoning Designations & Land Use(s)

North: C-1, Retail
South: R-2 PRO PUD, Office
East: R-2 PRO PUD, Vacant
West: R-2 PRO PUD, Doctor's Office

Applicable Regulations

10-1-4, 10-1-5, 10-4-8, 10-7-12, 10-10-11, 10-11-1 thru 8, 10-13

EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE

REASON FOR REQUEST
SPECIAL USE PERMIT

The proposed facility is a one-story facility located on Lot 3, Block 1 of the Eastpark Professional Subdivision No. 2 along Bridgeview Blvd. The facility will be approximately 6,000 square feet of business, professional office space and Dr. Offices. The building entrance(s) is/are located on the west side of the building and access will be gained internal to the overall development. The parking is located internal, away from Cheney Dr. to minimize impacts to the residential neighborhood.

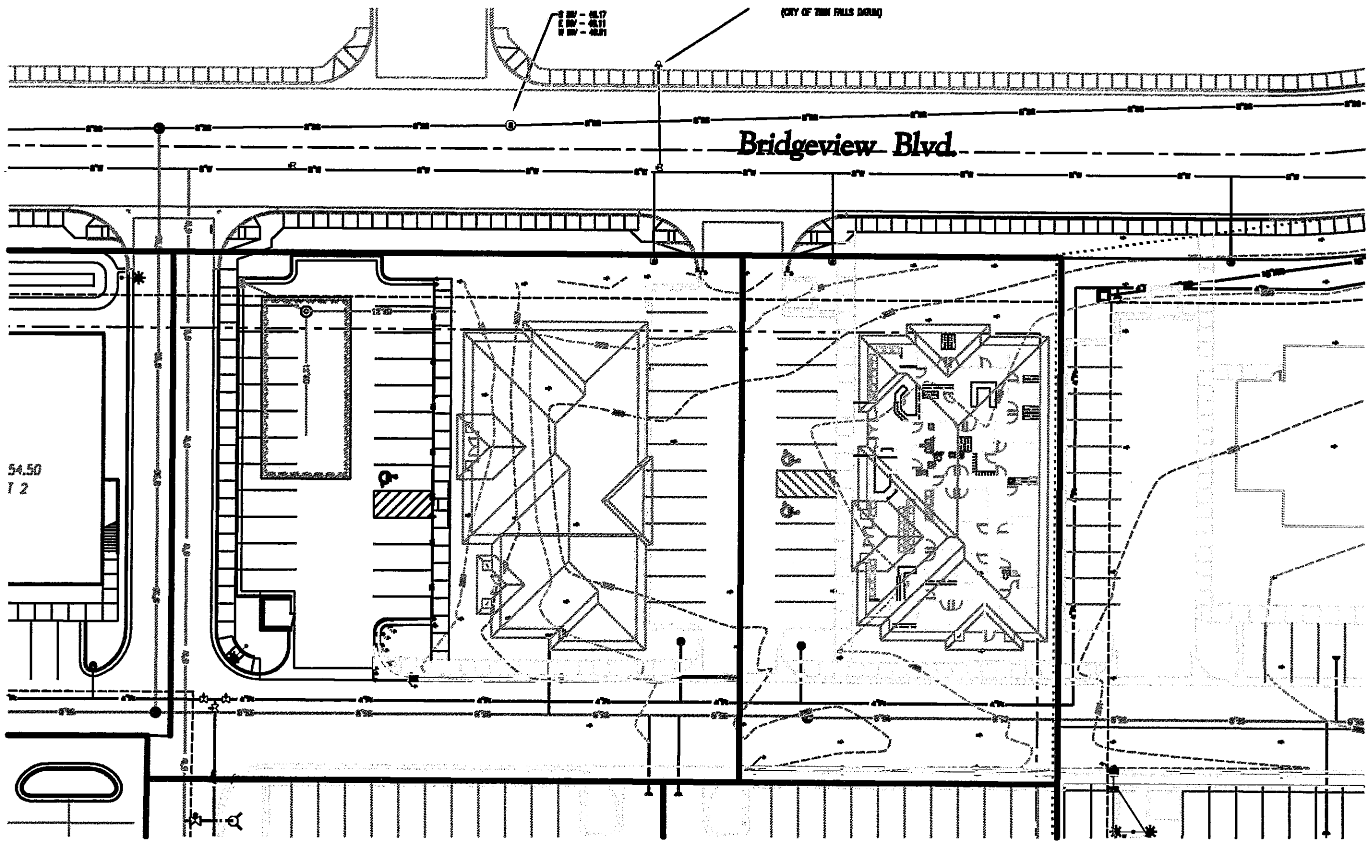
The facility will operate between the hours of 7 a.m. to 6 p.m. Monday thru Saturday. It is anticipated that the operations and activities associated with the facility will occur within the building and not contribute to area noise, dust, or odors. The facility will have a site specified for refuse dumpsters which will be screened according to City Code.

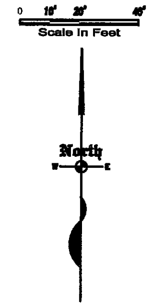
This request has been prepared to comply with the governing Planned Unit Development Agreement and the plan meets the requirements of that Planned Unit Development Agreement.

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • [208] 734-4888 • Fax [208] 734-6049
3501 W. Elder St., Suite 100 • Boise, Idaho 83705 • [208] 386-9170 • Fax [208] 386-9076

IN THE FIELDS OF:
PLANNING • SURVEYING • HIGHWAYS • WATER • SEWAGE • STRUCTURAL • SUBDIVISIONS • BRIDGES • ENVIRONMENTAL • QUALITY CONTROL • CONSTRUCTION MGMT.

Key Notes:



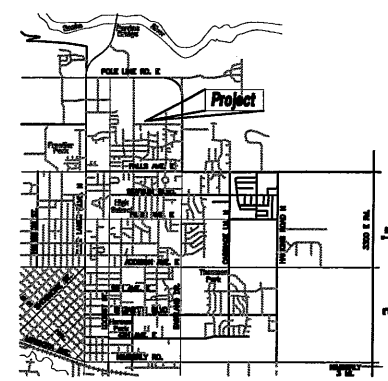


Located In
Lots 3 & 4, Block 1
EASTPARK PROFESSIONAL
SUBDIVISION NO. 2
A Re-subdivision and Re-Numbering of Lot 2,
INTERSTATE AMUSEMENT SUBDIVISION
Located In
Gov't. Lot 3 , Section 3
Township 10 South, Range 17 East, Boise Meridian
Twin Falls County, Idaho
2019

Legend

- Property Boundary Line
- Easement Line
- Water Main & Size
- Sewer Main & Size
- Pressure Irrigation & Size
- Storm Drain & Size
- Fire Hydrant
- Manhole
- Existing Spot Elevation
- Proposed Spot Elevation

Bench Mark:
"T" Bolt on Fire Hydrant 436' E
of Locust Street North
Elevation=3838.985



TWIN FALLS, IDAHO

Parking Summary:

Storm Drainage Calculations:

Design Data:

Owner/Developer:	Temple View Properties LLC 1415 Park View Dr. Twin Falls, ID 83301 (208)734-8834 James Coombs	Engineer:	EHM Engineers, Inc. 621 N. College Rd., Ste 100 Twin Falls, ID 83301 (208)734-4888 David Thibault, P.E.
Bus. Area:			
Zone:	C-1 PUD	Setbacks:	Setbacks shall conform to City of Twin Falls Zoning & Subdivision Regulations
Existing Use:	Vacant		
Proposed Use:	Commercial Office		

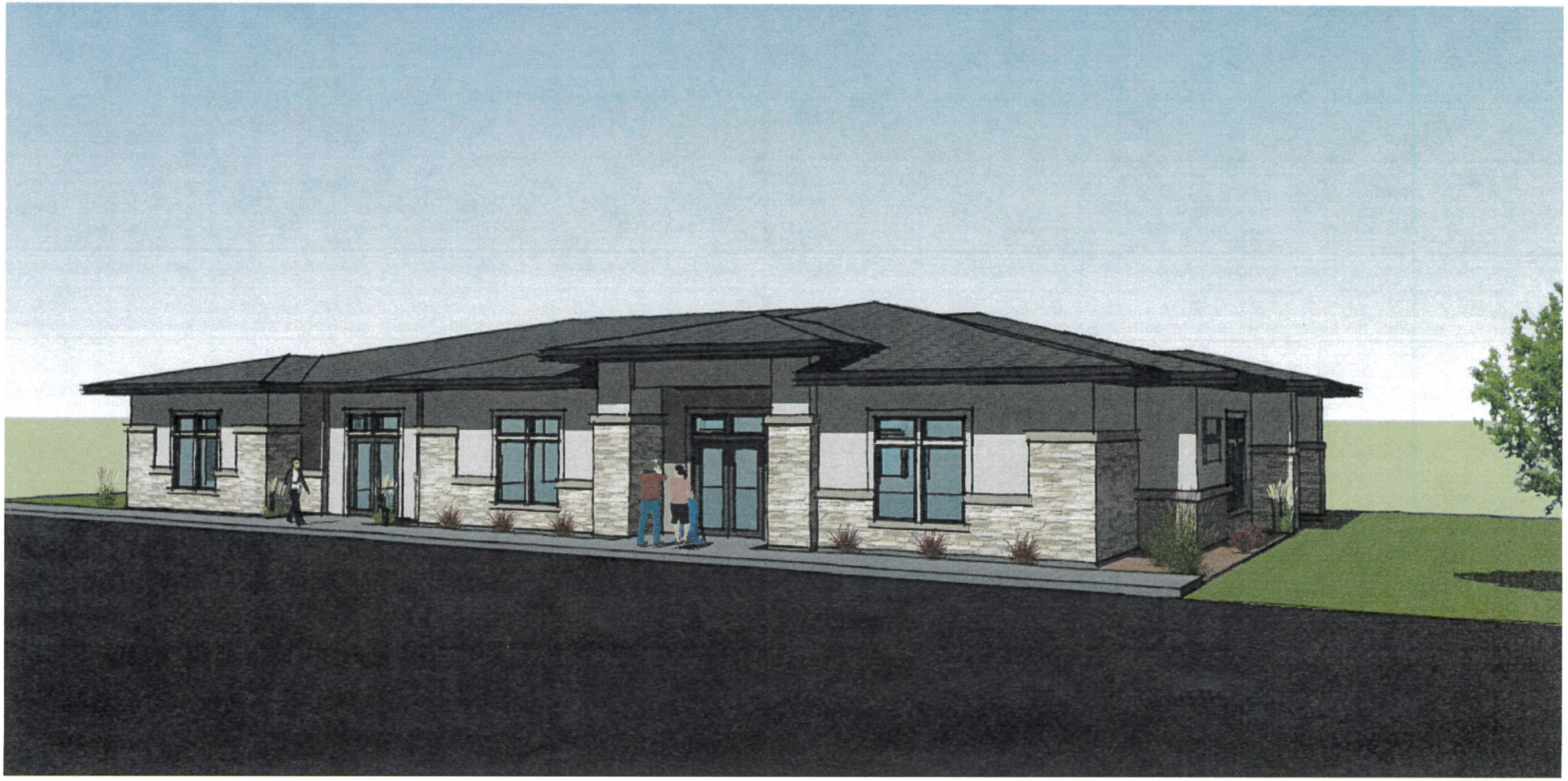
EHM Engineers Inc.
Engineers / Surveyors / Planners
621 N College Rd., Suite 100 Twin Falls, ID 83301 - (208)734-4888

Site Exhibit
for:
Eastpark Professional
Buildings Locust 1 & 2
Twin Falls, Idaho

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES, ERRORS, OMISSIONS, OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.

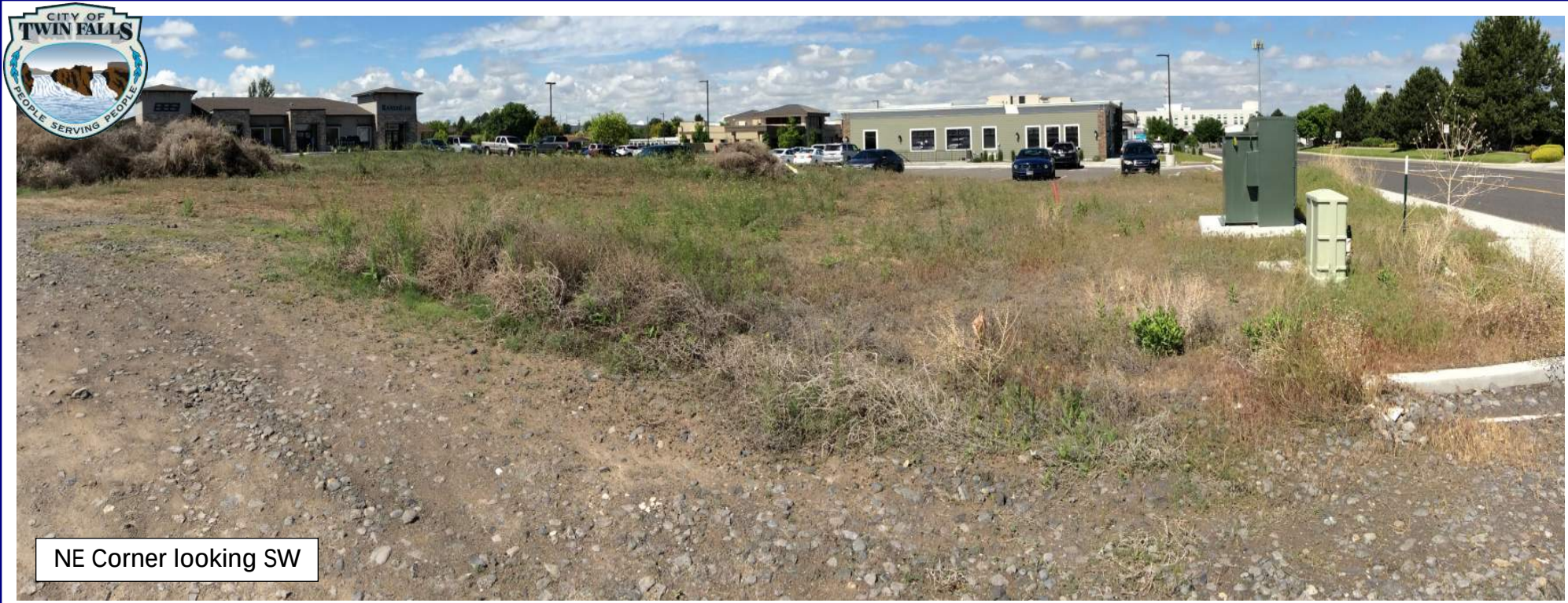
APPROVED	D. THIBAULT
DESIGN	T. MCBRIDE
DRAWN	T. MCBRIDE
DATE	MARCH, 2017
SCALE	AS SHOWN
PROJ. NO.	082-17SP

Sheet C1



Colored Elevations

BANDSLAW



NE Corner looking SW

NW Corner looking SE

SE Corner looking NW

SW Corner looking NE

PUD 213

EASTPARK PUD

C-1, R-1, R-2 (PRO) & R-4 (PRO) PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this 24th day of April, 1995, by and between the City of Twin Falls, a municipal corporation, State of Idaho (hereinafter called "City), and Zabala Family Trust and Eastpark Partners, (hereinafter called "Developers"), whose address is P.O. Box 1492 Hailey, Idaho 83333 and P. O. Box 492, Twin Falls, Idaho 83303 respectively.

RECITALS

WHEREAS, Zabala Family Trust (hereinafter included in reference to "Owners" or "Developers"), is the equitable title holder to certain tracts of land in the City of Twin Falls, State of Idaho and Eastpark Partners (hereinafter included in reference to "Owners" or "Developers"), also is the equitable title holder to certain other tracts of land in the City of Twin Falls, State of Idaho, all parcels are more particularly described in Exhibits "A" (zoning) and "B" (ownership), and attached hereto. The subject land is bounded by Locust Street North on the West, Pole Line Road on the North, runs East approximately 2640 feet from Locust Street and is bounded by Cheney Drive alignment on the South (hereinafter "Property"); and

WHEREAS, Developers intend to develop and/or sell portions of the Property from time to time; and

WHEREAS, Developers have made request of the City of Twin Falls to develop a portion of the properties as commercial subdivisions, and the balance as one or more residential subdivisions, including portions with professional overlay (Project") and have submitted to the City a master plan thereof which has been approved for development as a "C-1, R-1, R-2(PRO) & R-4 (PRO) PUD" by the City Council of the City; and

WHEREAS, City, by and through its City Council, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement.

Twin Falls County, Idaho
Recorded for:
CITY OF TWIN FALLS
02:22pm Sep.22,1998
1998-017180
No. of Pages: 13 Fee: $39.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: SL

COVENANTS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developer and City agree as follows:

1. **NATURE OF THE AGREEMENT.** This agreement shall become part of the "C-1, R-1, R-2 (PRO) & R-4 (PRO) PUD" zone with respect to the Property upon its full execution and recording. Developer, Owners and their assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

2. **NATURE OF THE DEVELOPMENT.** It is agreed by the parties hereto that certain language and requirements pertaining to the "C-1, R-1, R-2 (PRO) & R-4 (PRO) PUD" zone shall be interpreted as follows:

A. **COMMON AREA AND PROPERTY OWNERS ASSOCIATIONS AND MAINTENANCE.** There is a requirement for common area within the Project. Therefore, there is a requirement for Developer to organize a Property Owners' Association in connection with its development of the Property, which associations are established for the maintenance of common areas. Developer shall have the right to designate common areas in any phase(s) of its development. In the event common areas are so designated, Developer may create an association of those property owners benefiting from said common areas for the purpose of maintaining the same. Except for space explicitly designated as common area, the maintenance responsibility for each parcel and the improvements thereon rests solely with the parcel's owner.

B. **USES.** The use language of the underlying "C-1, R-1, R-2 (PRO) & R-4 (PRO)" zone shall apply with regard to permitted uses, special uses, and prohibited uses on the Property or any portion thereon, as shown on the Master Plan with the following exceptions:

(1) The area of R-2 PRO overlay between Cheney Drive and Bridgeview Boulevard, West of Madrona and East of Locust will be restricted such that all buildings will be constructed using residential style architecture and will have an architectural finish aesthetically pleasing. **All professional buildings in this area will be limited to single story construction. Building design in this area will be regulated by an architectural control committee responsible for enforcement of the restrictive covenants for that area.** All buildings will be limited to a maximum of 6,000 square feet, provided however that within 350' of Locust Street North the maximum building size

shall be increased to 10,000 square feet. **Buildings facing Cheney Drive will be positioned such that all parking will occur north of the building.** Any non-residential use will be subject to a special use permit by the City Council.

That area of C-1 zone running East and the new Bridgeview extension for approximately 1150 feet and **462** feet South of Poleline Road will be restricted to **LIMITED NEIGHBORHOOD BUSINESSES** as follows:

Of the allowed uses in a C-1 Zoning only the following will be allowed outright on this parcel:

General Merchandise
Food and Drugs
Apparel and Accessories
Home Furnishings
Eating Places (no drive thru)
Sporting Goods
Garden Supplies
Bakeries (retail)
Book Stores and Art Shops
Flower Shops
Hobbies and Toy Stores
Ice Cream Stores (no drive thru)
Music Stores
Libraries
Finance and Investment Offices
Insurance and Related Offices
Real Estate and Related Offices
Photography
Beauty and Barber
Professional Offices

TOTAL 20

Desired uses on this portion of the properties East of the new Bridgeview extension not specifically allowed above will require a special use permit.canopy type illumination with the light source shielded from surrounding residential areas.

In addition, in the C-1 zone lying East of the Bridgeview extension, no building may be larger than 20,000 sqyare feet ub suze, nor taller than 28 feet above ground level. All lighting will be canopy type illumination with the light source shielded from surrounding residential areas.

No outdoor public address or music systems will be allowed. Hours of operation for businesses on this parcel shall be limited to between the hours of 7:00 A.M. to 11:00 P.M. on this parcel, except for special sales of a duration not to exceed

one week and holiday seasons. **Parking lot lighting will be designed to dim at 11:00 P.M.**

C. **PHASING OF DEVELOPMENT**. Developer shall be permitted to develop the property in phases. So long as those phases are in compliance with the Master Plan, the PUD Agreement, obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses, and buildings on the Master Plan are conceptual and changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum and a maximum time limit of three years between completion of one phase and commencement of the next phase.

3. **STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.** Developer shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property (hereinafter "Improvements") as described herein in accordance with City Standards.

A. **IMPROVEMENT PLANS**. Developer shall, as to each phase of its development, file or cause to be filed with the city a complete set of plans for that development phase, showing all Improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all improvements shown thereon shall meet with the approval of the City, which approval shall be given if such plans conform with published City requirements.

B. **IMPROVEMENT DESIGN AND CONSTRUCTION**. Developer shall cause to be designed, constructed and installed, in accordance with the approved Improvement Plans and at its expense, all improvements shown on the Improvement Plans. Notwithstanding the foregoing, nothing in this agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.

C. **PHASED CONSTRUCTION.** Developer may install the improvements all at one or in phases. Developer shall provide the City with written notification of when and of what portion, or portions, of said Improvements it intends to complete at the time; and agrees to make such modifications and/or construct any temporary facilities necessitated by such phased construction work as shall be required and approved by the City, which approval shall not be unreasonably withheld.

D. **CONSTRUCTION SUPERVISION.** Developer shall use a qualified construction engineer or supervisor to supervise the construction inspection and testing of the work as necessary,

to ensure that all such Improvements are constructed in accordance with the approved Improvement Plans.

E. **NONCOMPLIANCE.** In the event any of the requirements with regard to the installation of said Improvements are not complied with, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of this receipt of notice (or, in the case of non-compliance that will take in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion). In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within that phase of such "PUD" until such time as all requirements specified in Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph, and shall have the right to be heard as to why such building permits and certificates or occupancy should be issued. The City Council shall then in good faith and in an objective manner decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.

F. **FEES.** Developer shall pay, or cause to be paid, to City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rtes set by applicable City ordinances and resolutions.

G. **DEDICATION OF IMPROVEMENTS.** City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City standards.

4. **PLATS.** Developer agrees to file with City a preliminary plat, prepared by a registered professional engineer, of the real property which is the subject of this agreement. Final plats for phases to be developed shall be submitted specifically identifying and dedication all necessary public easements and those rights-of-way the city agrees to accept herein and in the Standard Developers Agreement. It is agreed that said plats and any amendments thereto must first be approved by City.

5. **INDIVIDUAL PARCEL DEVELOPMENT CRITERIA.** The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 5.

A. **APPROVAL AND CONSTRUCTION**. All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, which drawings and specifications shall first be approved by City and meet City standards, which approval shall not be unreasonably withheld.

B. **BUILDING SETBACKS**. All buildings on lots adjacent to Pole Line Road are to be constructed with a minimum setback of ninety-three feet (93') from the center line of Pole Line Road. All buildings on lots adjacent to Locust Street North, Bridgeview Boulevard, Madrona Street North and Cheney Drive are to be constructed with a minimum setback of sixty feet (60') from the center line of said streets.

C. **LANDSCAPING**. Perimeter landscaping shall be required to be installed on each parcel of the Property with a boundary of Cheney Drive, Locust Street, Madrona Street North, Bridgeview Boulevard or Pole Line Road and in the public rights-of-way adjacent thereto at the right time and planting season for the proposed vegetation. Such landscaped perimeter shall be in stalled from the back of the curb in the public rights-of-way along Pole Line Road, Bridgeview Blvd., Madrona Street North, Cheney Drive and Locust Street North and shall be extended to the dimensions set forth below. The depth of the landscaped perimeter on Pole Line Road shall be a minimum of thirty five feet (35') from the back of the curb or future curb. The depth of the landscaped perimeter on Cheney Drive, Madrona, Locust and the South and East side of Bridgeview shall be a minimum of twenty feet (20') from the back of the curb or future curb. The depth of the landscaped perimeter on the North and West side of Bridgeview running from Locust to the intersection of Bridgeview and Madrona shall be forth feet (40') for lots with commercial usage fronting Bridgeview and twenty feet (20') for lots with processional usage fronting Bridgeview. Each property owner shall maintain the landscaping on its property and in the public right-of-way adjacent thereto. Notwithstanding the foregoing, in the event developer chooses to designate certain landscaped areas and other areas as "common area," developer shall have the right to create an association which shall be responsible for the maintenance of "common area."

D. **LANDSCAPING PLAN**. At the time of development, each parcel fronting Pole Line, Madrona, Cheney or Bridgeview shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming a minimum of thirty inches(30") in height. The landscaped perimeter shall be planted in grass with a minimum of one tree per five hundred square feet of landscaped

area and a minimum of one shrub per one hundred square feet of landscaped area. At least (50%) of the shrubs and trees shall be evergreen. At least (50%) of all trees shall be from the following groups: Austrian pine, green ash and honey locust. (50%) of these are to be mature trees at planting with a height of at least 10 feet. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet when planted. In addition to the foregoing, each individual parcel must also satisfy the landscaping requirements of the underlying "C-1, R-1, R-2 (PRO) or R-4" zone.

E. **DRAINAGE.**

(1) Stormwater from commercial developments shall be retained. Facilities to retain the design of: "50-year, 24-hour rain storm event" shall be designed, constructed, and maintained by the property owner of each lot in the development, unless specific written arrangements are made to share those responsibilities among several lot owners and/or the City.

(2) Stormwater from residential developments shall be detained to limit discharge to downstream drainways. Detention facilities meeting City Code requirements in effect at the time of plat approval shall be designed and constructed by the developer, and maintained by the property owners association of each development, unless specific written arrangements are made to share those responsibilities among individual lot owners and/or the City.

F. **BUILDING STANDARDS**. Buildings and improvements shall comply with the following standards.

(1) **PROHIBITED MATERIALS**. Metal sided buildings and buildings with exposed unpainted plain concrete block are prohibited. Concrete tilt-up or double-T panels are prohibited unless they have a decorative finish. This does not preclude the use of decorative masonry block or brick or the use of architectural residential metal siding.

(2) **OUTSIDE STORAGE AND DISPLAY**. Refuse and outside storage and display areas shall be visibly screened from streets and adjacent properties. All such areas shall be located to the rear of the buildings or to the side of a building, other than street side.

(3) **UTILITIES.** All on-site utility service lines, including electrical lines and telephone lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the

parcel shall be visibly screened from the view from streets, with appropriate screening material.

(4) **PROHIBITED SIGNAGE.** No billboards will be permitted. Signs employing flashing or moving parts shall also be prohibited except that message center signs or time and temperature panels any be approved by the City on a case by case basis. No signs shall encroach over public rights-of-way. Signs painted on building walls and fascias are also prohibited. No exposed raceways, ballast boxes, transformers, or attachment devices are permitted. No roof-mounted signs shall be permitted. On that portion of property East of Bridgeview signs shall be additionally limited to "low profile" and must not exceed 100 square feet maximum and not to exceed ten feet in height. Letters can only illuminate internally. No lighted signage will face South and illuminated individual letters and logo are limited to 16" in height on this portion of the property East of Bridgeview.

G. **CODES.** All construction on the Property shall be to the standards established by applicable codes.

H. **CONTROL DURING DEVELOPMENT OF INDIVIDUAL PARCELS** Developer shall maintain control during development of the Property or any part thereof, through the use of deed restrictions to be recorded setting forth the required development criteria contained herein.

7. **ACCESS TO POLE LINE ROAD.** Developer and subsequent property owners agree to limit the number of accesses between Locust Street North and Bridgeview Boulevard to one (1) and between Bridgeview Boulevard and the East property line to three (3). The location of said approaches shall be as shown on the approved preliminary plat.

8. **ACCESS TO BRIDGEVIEW BOULEVARD.** Developer and subsequent property owners agree to limit the location of accesses from the North-South portion of Bridgeview Boulevard North of its intersection with Madrona to no further South than one hundred sixty feet (160') from Pole Line Road right-of-way lines. Said one hundred sixty feet (160') shall be measured to the center of the approach.

9. **VACATION OF MADRONA STREET NORTH.** Developer and subsequent property owners agree to the vacation of portion of Madrona Street North.

10. **WIDENING OF POLE LINE ROAD.** Developer hereby agrees to convey to the city the area under the developer's control needed for the widening of the Pole Line Road shall be widened at

the developer's expense pursuant to the Standard developer's Agreement, bringing Pole Line Road to a 32' width from centerline, at the time the C-1 portion South of Pole Line Road is developed. Any future widening shall be handled outside the scope of the agreement.

11. **SIGNAL AT POLE LINE AND BRIDGEVIEW.** Developer hereby agrees to pay for engineering and underground construction cost of the signal at this intersection when it is developed.

12. **DEDICATION OF LAND TO CITY.** Developer agrees to set aside a minimum of three acres in the Southeast corner of the 40 acres that lies East of Madrona for open space and will work with the city on the exact location and configuration for public use as a park.

13. **STREET DEVELOPMENT REQUIREMENT.** Developer agrees that the completion of either Locust Street from Cheney Drive to Pole Line Road, or the completion of Bridgeview Blvd. and Locust Street North from Cheney Drive to Pole Line Road, will be completed with the first commercial development of the project.

14. **LOCUST STREET SCREENING.** Developers agrees to create a berm along the West side of Locust Street to the extent possible to screen the J.C. Williams property from automobile headlights.

15. **TIME LIMITATION.** "C-1, R-1, R-2 (PRO) & R-4 (PRO) PUD" zone designation on the property described in Exhibit "A" and "B" attached hereto is expressly conditioned upon submission to the City Council of a final plat of the first phase within one (1) year from the date hereon.

16. **STANDARD DEVELOPER'S AGREEMENT.** It is understood and agreed by the parties hereto that it shall be necessary for Developer or individual owners to execute the City's Standard Developer's Agreements.

17. **GENERAL PROVISIONS.**

A. **COOPERATION.** The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specification, and working drawings required by the City.

B. **ENTIRE AGREEMENT.** This agreement constitutes the entire agreement between the parties concerning the property and improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduced to writing and signed by the parties.

C. **APPLICABLE LAW.** This agreement shall be construed in accordance with the laws of the State of Idaho.

D. **NOTICE.** If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at this address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". On the date of this agreement, the addresses of the parties are as follows:

DEVELOPER:	Zabala Family Trust Attention: Felipe Zabala P.O. Box 1492 Hailey, Idaho 83333
DEVELOPER:	Eastpark Partners Attention: Steve Keim P.O. Box 492 Twin Falls, Idaho 83301
CITY:	City of Twin Falls P.O. Box 1907 321 Second Avenue East Twin Falls, Idaho 83303-1907

E. **SUCCESSORS AND ASSIGNS.** This agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto.

F. **SEVERABILITY.** In the event any portion of this agreement is declared by a court of competent jurisdiction to be invalid, illegal or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereby.

G. **SIGNATORIES.** Each of the persons executing this agreement hereby represent and warrant that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing and that his agreement is binding on, and enforceable against, such entity.

H. **EFFECTIVE DATE.** This "PUD" agreement shall become valid and binding only upon its approval by City, through its City Council, and upon its execution by the Mayor and Developer.

I. **ATTORNEYS FEES.** In the event that either party should be required to retain an attorney because of the default or breach of the other or to pursue any other remedy provided by law, that party which prevails in any litigation shall be entitled to a reasonable attorney's fee.

J. **CONSTRUCTION.** Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

K. **ATTACHMENTS.** All attachments to this Agreement and recitals are incorporated herein and made a part hereof as if set forth in full.

L. **CAPTIONS.** The captions, section and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

CITY OF TWIN FALLS

By: _____

EASTPARK PARTNERS

By: _____

By: _____

ZABALA FAMILY TRUST

By: _____
Trustee

Exhibit "A" (Zoning)

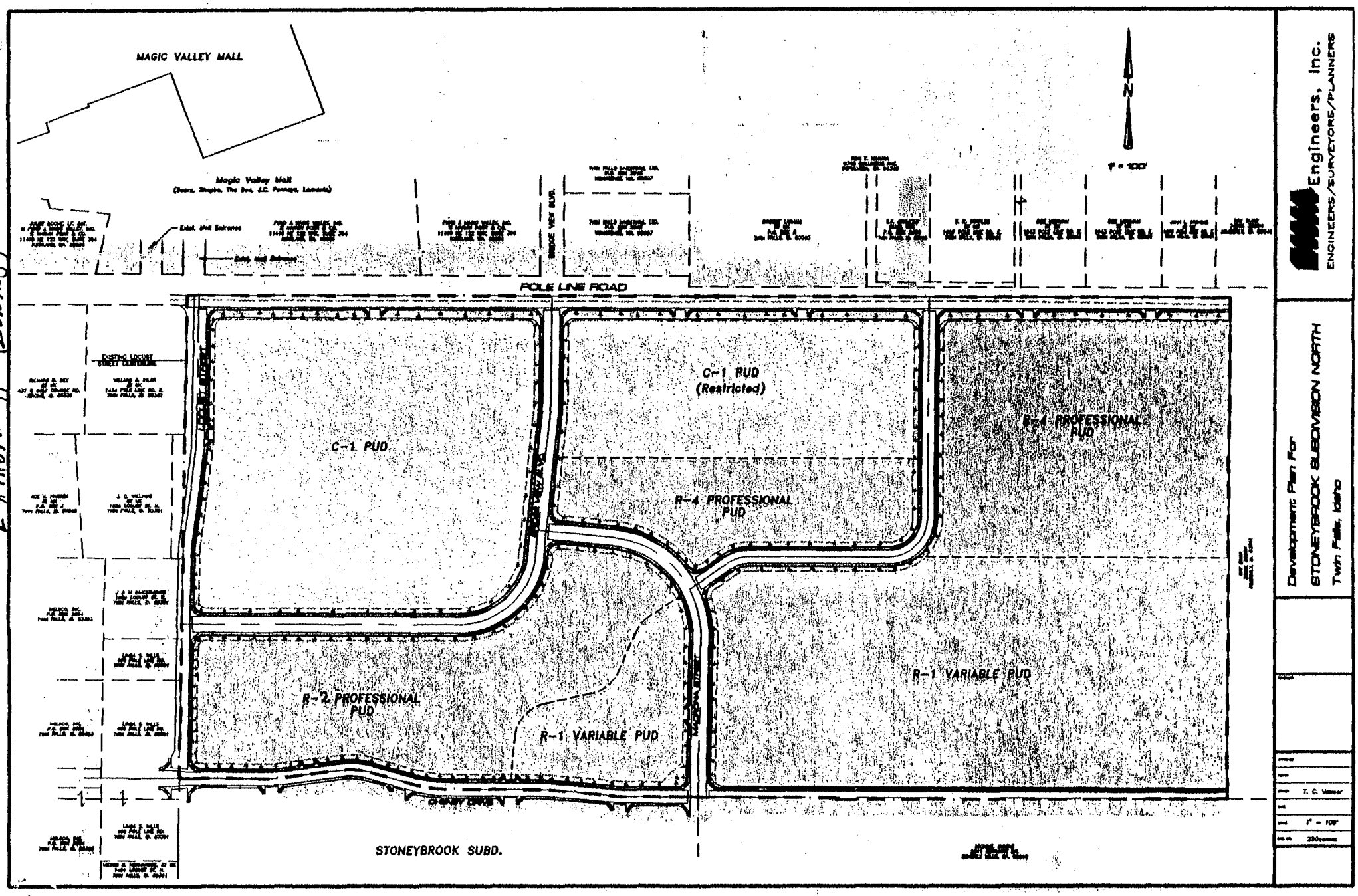
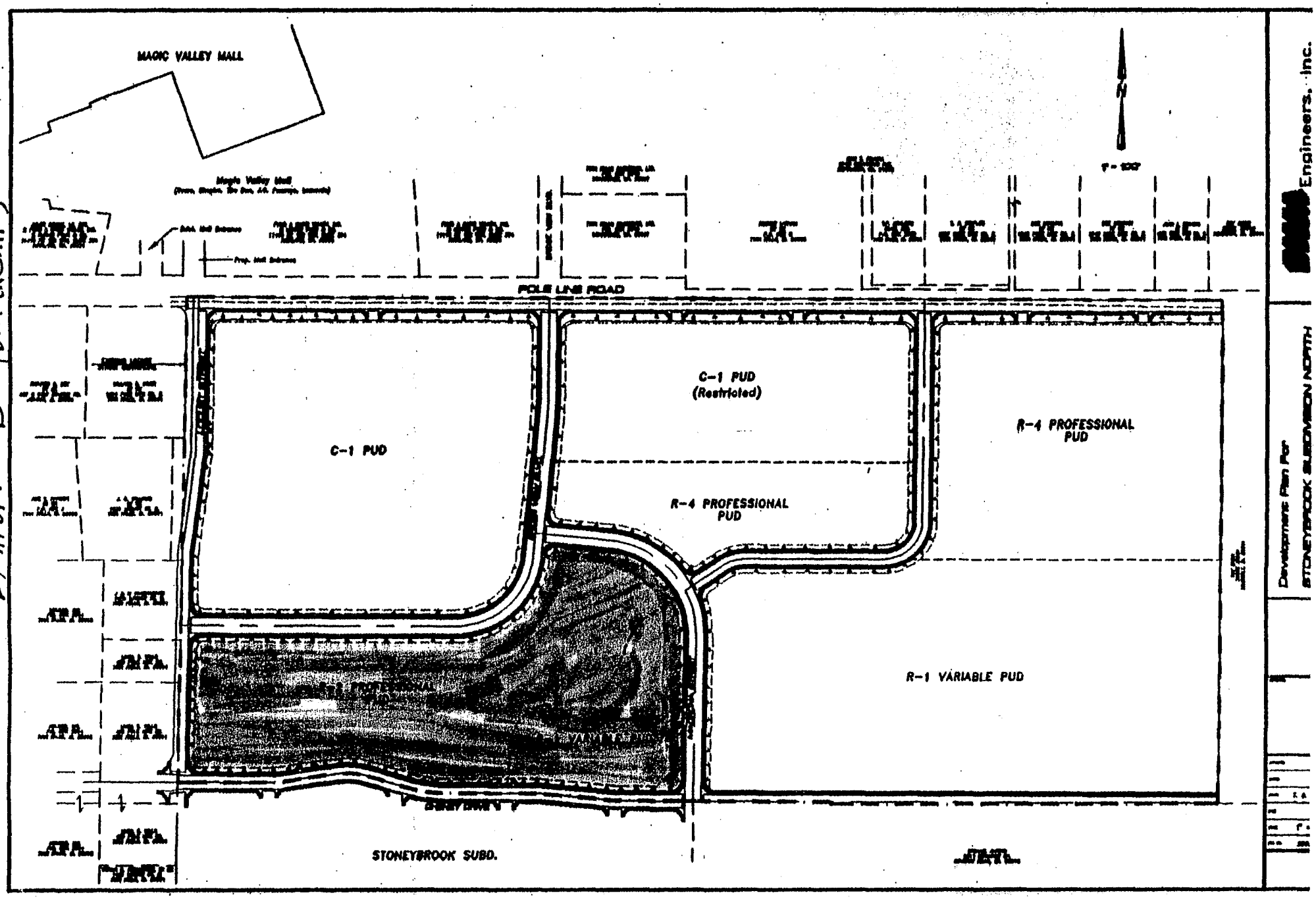
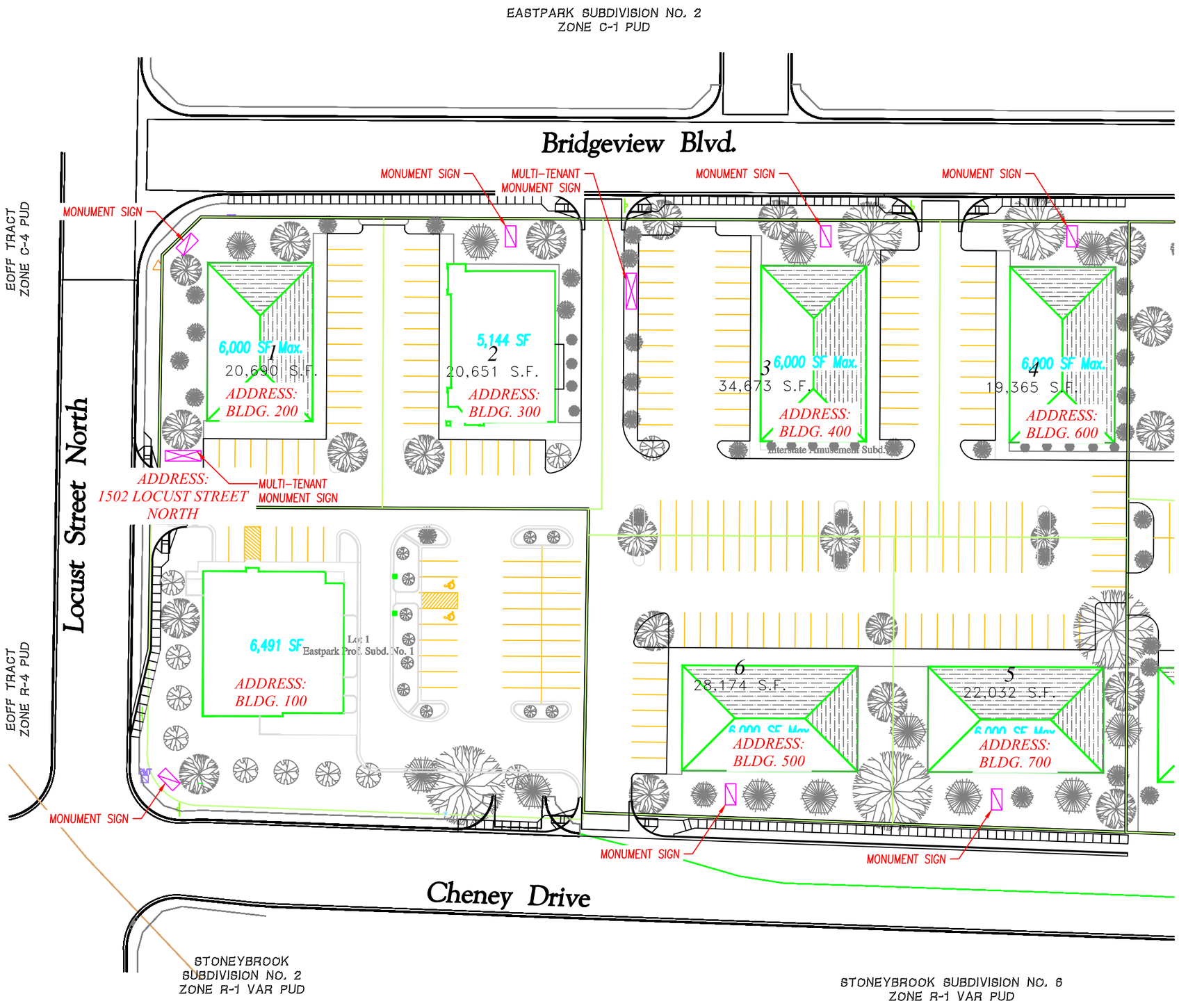


Exhibit "B" (ownership)



Zabala Family TRUST

[redacted] EAST PARK PARTNERS



NORTH

0 30 60 120

SCALE IN FEET

NOTES:
1502 LOCUST STREET NORTH IS THE ADDRESS FOR THE ENTIRE COMPLEX WITH INDIVIDUAL BUILDING NUMBERS.

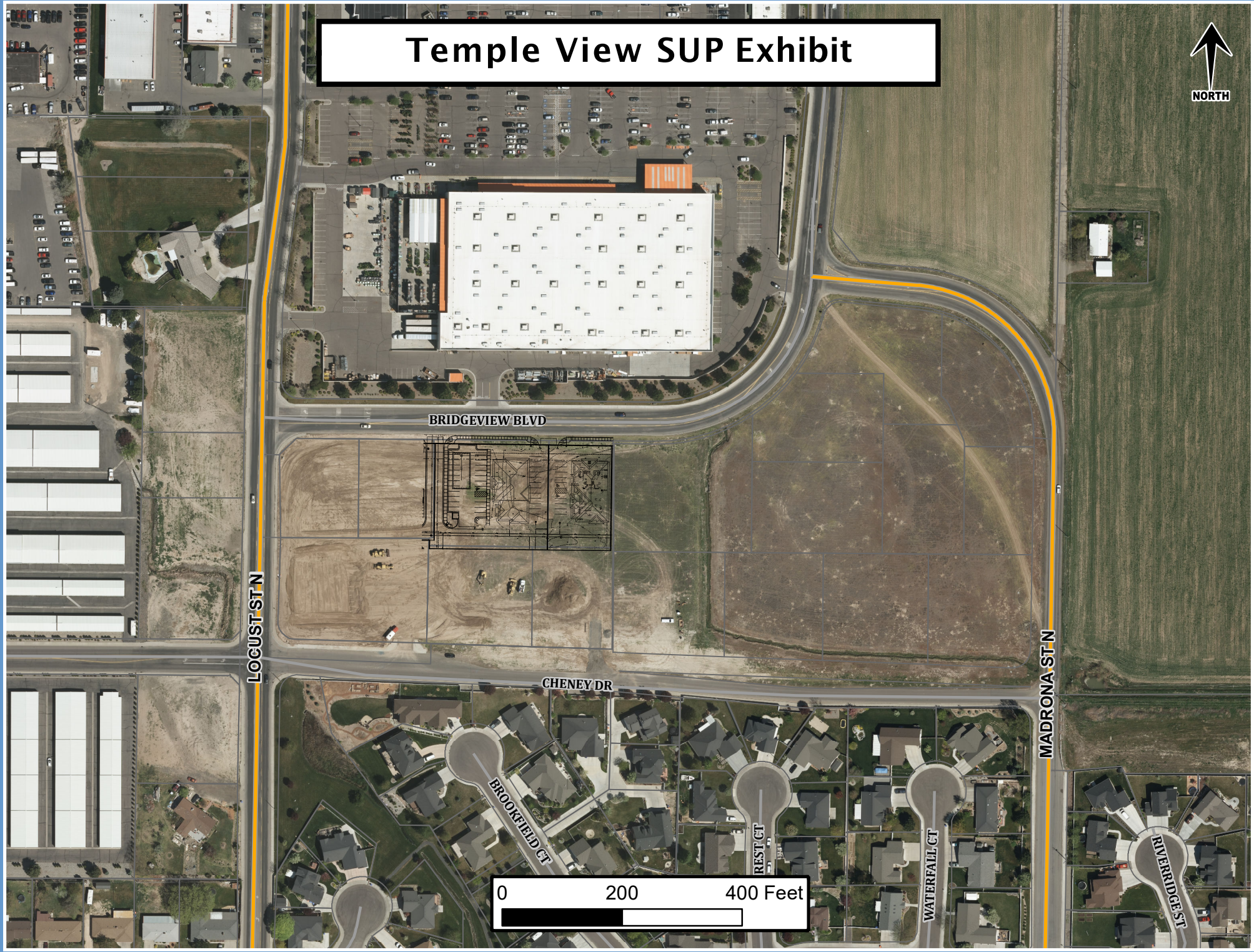
ALL SIGNAGE SHALL CONFORM TO THE EASTPARK PUD AGREEMENT INCLUDING ANY AMENDMENTS THERETO, INSTRUMENT NO. 1998–017180 AND SUBJECT TO THE FOLLOWING ADDITIONAL RESTRICTIONS:

a. ALL INDIVIDUAL BUILDING MONUMENT SIGNSSHALL NOT EXCEED 8 FOOT IN HEIGHT NOR 50 SQUARE FEET.
b. MULTI–TENANT MONUMENT SIGNS SHALL NOT EXCEED 12 FEET IN HEIGHT NOR EXCEED 100 SQUARE FEET.
c. INDIVIDUAL BUILDING MONUMENT SIGNS ADJACENT TO CHENEY DRIVE SHALL NOT BE INTERNALLY ILLUMINATED.

EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE
Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
p (208)-734-4888 fax (208)-734-6049 web: ehminc.com

MASTER SIGNAGE / ADDRESS PLAN
for
EASTPARK PROFESSIONAL SUBDIVISION NO. 1 & NO. 2

JOB NUMBER:	343–14
APPROVED	G.MARTENS
DESIGN	–
DRAWN	V.SMITH
DATE	9–9–16
SCALE	SHOWN
	343–14MDP

Sheet No.: 1

Temple View SUP Exhibit